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Supreme Court, U.S.
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No. 97-1130

In The

Supreme Court of the United States

October Term, 1997

WAYNE K. PFAFF,

Petitioner,

v.

WELLS ELECTRONICS, INC.,

Respondent.

On Writ Of Certiorari
To The United States Court Of Appeals
For The Federal Circuit

JOINT APPENDIX

JERRY R. SELINGER
Counsel of Record
SUSAN E. POWLEY
JENKENS & GILCHRIST,
A Professional Corporation
1445 Ross Avenue,
Suite 3200
Dallas, Texas 75202
(214) 855-4500

JACK E. KANZ
502 S. Cottonwood Drive
Richardson, Texas 75080
(972) 234-1394

Counsel for Petitioner

C. RANDALL BAIN
Counsel of Record
ALAN H. BLANKENHEIMER
PATRICIA A. HUBBARD
C. MARK KITTREDGE
BROWN & BAIN, P.A.
2901 North Central Avenue
Phoenix, Arizona
85001-0400
(602) 351-8000

JAMES D. HALL
BAKER & DANIELS
205 W. Jefferson Blvd.,
Suite 250
South Bend, Indiana
46601
(219) 234-4149

Counsel for Respondent

Petition For Certiorari Filed January 5, 1998
Certiorari Granted March 9, 1998

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OR CALL COLLECT (402) 342-2831

151 pp

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The following opinions, decisions, judgments, orders, and other materials have been omitted in printing this joint appendix because they appear on the following pages in the appendix to the printed Petition for Certiorari:

1. Opinion of the United States Court of Appeals for the Federal Circuit, Case # 92-1431, dated September 10, 1993, on appeal from summary judgment of non-infringement in Case # 3:91-CV-1542-H (N.D. Tex.) ..... App. 155
2. Report and Findings of Fact and Conclusions of Law of Special Master in Case # 3:91-CV-1542-H, dated October 19, 1995 ..... App. 23
3. Final Judgment on Liability in Case # 3:91-CV-1542-H (N.D. Tex. 1995), dated December 29, 1995 ..... App. 21
4. Opinion of the United States Court of Appeals for the Federal Circuit, Case # 96-1150, consolidated with Case # 96-1187, September 8, 1997, cross-appeals from Final Judgment on Liability entered by trial court in Case # 3:91-CV-1542-H ..... App. 1
5. Order of the United States Court of Appeals for the Federal Circuit, Case # 96-1150, consolidated with Case # 96-1187, dated dated October 3, 1997, denying Cross-Appellant's Pettion for Rehearing .. App. 170
6. United States Patent No. 4,491,377 (Pfaff) .. App. 172
7. Opinion of the United States District Court, Case # S86-449 (N.D. Ind. 1988) (case 1), dated July 26, 1988 ..... App. 198
8. Decision of the United States Court of Appeals for the Federal Circuit, Case #s 88-1607 and 88-1608, dated August 31, 1989, 884 F. 2d 1399 (case 1) ..... App. 229
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U.S. District Court
Northern District of Texas (Dallas)

CIVIL DOCKET FOR CASE #: 91-CV-1542

Pfaff v. Wells Electronic Inc — Filed: 08/01/91
Assigned to:
Senior Judge Barefoot Sanders
Demand: $0,000 — Nature of Suite: 830
Lead Docket: None — Jurisdiction:
Dkt# in other court: None — Federal Question

Cause: 35:271 Patent Infringement

EDWARD G FIORITO special master	Edward G Fiorito [COR LD NTC pda] [PRO SE] Law Office of Edward G Fiorito 6925 Spanky Branch Dr Dallas, TX 75248-1527 USA 972/380-1070
WAYNE K PFAFF plaintiff	Marvin R Thomas, Attorney at Law [term 12/15/93] Thomas Neilon & Griffin One Main Place 1201 Main St Ste 1414 PO Box 50766 Dallas, TX 75250-0766 USA 214/748-0226

Jack Alton Kanz,
Attorney at Law
972/234-5171 FAX
[COR LD NTC]
Law Office of Jack A Kanz
502 S Cottonwood Drive
Richardson, TX 75080
USA
972/234-1394

v.

WELLS
ELECTRONIC INC
defendant

David R Melton,
Attorney at Law
[COR NTC ret]

Barnes & Thornburg
First Source Bank Center
100 N Michigan St
Suite 600
South Bend, IN 46601
USA 219/237-1114

Richard Lloyd Schwartz
Attorney at Law
214/969-4343 FAX
[COR LD NTC]
Akin Gump Strauss
Hauer & Feld
First City Centre
1700 Pacific Avenue
Suite 4100
Dallas, TX 75201-4618
USA
214/969-2800

James D Hall,
Attorney at Law
[COR LD NTC]
Oltsch Knoblock & Hall
103 West Wayne Suite 300
P O Box 420
South Bend, IN 46624
USA
219/234-6091

BILL BRISTER
ADR Provider

==========

WELLS
ELECTRONIC INC
counter-claimant

Richard Lloyd Schwartz,
Attorney at Law
214/969-4343 FAX
[COR LD NTC]
Akin Gump Strauss
Hauer & Feld
First City Centre
1700 Pacific Avenue
Suite 4100
Dallas, TX 75201-4618
USA
214/969-2800

James D Hall,
Attorney at Law
[COR LD NTC]
Oltsch Knoblock & Hall
103 West Wayne Suite 300
P O Box 420
South Bend, IN 46624
USA
219/234-6091

v.

WAYNE K PFAFF
counter-defendant

Marvin R Thomas,
Attorney at Law
[term 12/15/93]
[COR LD NTC]
Thomas Neilon & Griffin
One Main Place
1201 Main St Ste 1414
PO Box 50766
Dallas, TX 75250-0766
USA
214/748-0266

Jack Alton Kanz,
Attorney at Law
972/234-5171 FAX
[COR LD NTC]
Law Office of Jack A Kanz
502 S Cottonwood Drive
Richardson, TX 75080
USA
972/234-1394

8/1/91	1	COMPLAINT filed; Filing Fee $120.00 Receipt # 36322 (14) (rlw) [Entry date 08/02/91]
8/1/92	2	SUMMONS(ES) issued for Wells Electronic Inc (iss-2 thru Sec'y of State) (rlw) [entry date 08/02/91]
8/2/91	3	Report on the Filing or Determination of an Action Regarding a Patent. Mailed to Wash. this date. (rlw)
8/22/91	4	RETURN OF SERVICE executed as to Wells Electronic Inc 8/5/91. Copy forward on 8/6/91 by certified mail, return receipt requested to Arthur R Midili, Agent, at 1701 So. Main, South Bend, Indiana. Return receipt received in office dated 8/9/91 bearing signature of agent. Answer due on 8/25/91 for Wells Electronic Inc. (1) (cxb) [Entry date 08/27/91]
8/27/91	5	MOTION by Wells Electronic Inc for a more definite statement, or to dismiss the complaint (1) (cxb) [Entry date 09/03/91]
08/27/91	6	MEMORANDUM by Wells Electronic Inc in support of [5-1] motion for a more definite statement, [5-2] motion to dismiss the complaint. (7)(cxb) [Entry date 09/03/91]
9/5/91	9	MEMORANDUM by Wayne K Pfaff in opposition to [5-1] defendant's motion for a more definite statement, [5-2] motion to dismiss the complaint (svc) [Entry date 09/17/91]

9/12/91	7	ORDER denying [5-1] motion for a more definite statement denying [5-2] motion to dismiss the complaint . . . deft. is to file its answer by noon, 9/23/91 . . . each party is responsible for its own attys. fees in relation to this motion. (signed by HBS-cpys to counsel 9/12 – (4)) (dph)
9/12/91	8	STATUS REPORT ORDER. Status report due on 10/3/91 (signed by HBS-cpys to counsel 9/12 – (2)) (dph)
9/24/91	10	ANSWER to Complaint and COUNTER-CLAIM by Wells Electronic Inc against Wayne K Pfaff. (3) (cxb) [Entry date 10/03/91]
9/26/91	11	PLAINTIFF'S REPLY/ANSWER by Wayne K Pfaff to [10-2] counter claim. (3) (cxb) [Entry date 10/03/91]
10/3/91	12	STATUS REPORT by Wayne K Pfaff, Wells Electronic Inc. (2) (cxb) [Entry date 10/10/91]
10/7/91	13	SCHEDULING ORDER setting Non Jury Trial set during weeks of 6/15/92 and 6/22/92; Discovery cutoff 4/13/92; Joining of parties on 1/6/92; Amending of Pleadings on 3/2/91; Deadline for filing of dispositive motions must be filed not later than 60 days before trial; See Order for specifics. (signed by Judge Sanders) (3) cc to cnsl 10/7/91 (cxb) [Entry date 10/10/91]
1/6/92	14	Report Regarding Status of Settlement Negotiations by Wells Electronic Inc. (3) (cxb) [Entry date 01/07/92]

1/7/92	15	SUPPLEMENTAL REPORT REGARDING STATUS OF SETTLEMENT NEGOTIATIONS by Wells Electronic Inc. (2) (cxb) [Entry date 01/08/92]
1/9/92	16	REPORT REGARDING STATUS OF SETTLEMENT NEGOTIATIONS by Wayne K Pfaff. (3) (cxb) [Entry date 01/10/92]
1/10/92	17	ORDER directing counsel to file a joint report 3/16/92, regarding the status of settlement negotiations (signed by HBS cc to cnsl 1/10/92 (1).) (amy) [Entry date 01/13/92]
3/3/92	18	ORDER ON DISSEMINATION OF PROPRIETARY MATERIAL, for protective order (signed by HBS cc to cnsl 3/3/92 (6).) (amy) [Entry date 03/06/92]
3/11/92	19	JOINT REPORT REGARDING STATUS OF SETTLEMENT NEGOTIATIONS by Wells Electronic Inc, Wayne K Pfaff. (2) (cxb) [Entry date 03/13/92]
3/11/92	20	MOTION by Wells Electronic Inc for bifurcation of the liability and damage issues (2) (cxb) [Entry date 03/13/92]
3/11/92	21	MEMORANDUM by Wells Electronic Inc in support of [20-1] motion for bifurcation of the liability and damage issues. (9) (cxb) [Entry date 03/13/92]
3/13/92	22	ORDER . . . counsel are directed to file with the Court 4/27/92, a joint report evaluating the prospects for settlement. This case remains on its current Scheduling Order, with trial scheduled for the weeks of 6/15-22/92 (signed by HBS)

Copies to counsel: 3/13/92 Page(s) 1 (amy) [Entry date 03/17/92]

3/30/92 23 BRIEF/MEMORANDUM by Wayne K Pfaff in opposition to [20-1] motion for bifurcation of the liability and damage issues. (4) (cxb) [Entry date 04/03/92]

4/7/92 24 UNOPPOSED MOTION by Wells Electronic Inc for leave to file Reply, (to pltf's opposition to deft's mtn for bifurcate) (3) (cxb) [Entry date 04/09/92]

4/7/92 25 ORDER granting [24-1] motion for leave to file Reply, (to pltf's opposition to deft's mtn for bifurcate). Ordered that the Clerk is directed to file "Deft's Reply to Pltf's Brief in Opposition to Deft's Mtn to Bifurcate." (signed by Judge BS) Copies to counsel: 4/7/92 Page(s) 1 (cxb) [Entry date 04/10/92]

4/7/92 26 REPLY by Wells Electronic Inc to response to [20-1] motion for bifurcation of the liability and damage issues. (2) (cxb) [Entry date 04/10/92]

4/15/92 27 ORDER granting [20-1] motion for bifurcation of the liability and damage issues. Deft's mtn to bifurcate is GRANTED, and liability will be determined prior to damages. See Order for specifics. (signed by Judge BS) Copies to counsel: 4/15/92 Page(s) 2 (cxb) [Entry date 04/17/92]

4/15/92 28 MOTION by Wells Electronic Inc for summary judgment (3) (cxb) [Entry date 04/17/92]

4/15/92 29 BRIEF/MEMORANDUM by Wells Electronic Inc in support of [28-1] motion for summary judgment. (15+) (cxb) [Entry date 04/17/92]

4/15/92 30 REQUEST/MOTION by Wells Electronic Inc for special hearing/for oral argument (3) (cxb) [Entry date 04/17/92]

4/15/92 31 Proposed findings of fact and conclusions of law by Wells Electronic Inc. (9) (cxb) [Entry date 04/17/92]

4/27/92 32 JOINT STATUS REPORT OF SETTLEMENT NEGOTIATIONS by Wells Electronic Inc, Wayne K Pfaff. (2) (cxb) [Entry date 04/28/92]

5/1/92 33 BRIEF/MEMORANDUM by Wayne K Pfaff in opposition to [28-1] motion for summary judgment. (15+) (cxb) [Entry date 05/04/92]

5/7/92 34 PRIOR ART NOTICE PURSUANT TO 35 U.S.C. SECTION 282 by Wells Electronic Inc. (5) (cxb) [Entry date 05/11/92]

5/11/92 35 MOTION by Wells Electronic Inc for leave to file Reply, (to pltf's brief in opposition to deft's mtn for s/j) (2) (otj) (NOD) (cxb) [Entry date 05/11/92]

5/11/92 36 ORDER granting [35-1] motion for leave to file Reply, (to pltf's brief in opposition to deft's mtn for s/j). (signed by Judge HBS) Copies to counsel: 5/12/92 Page(s) 1 (cxb) [Entry date 05/14/92]

5/11/92 37 REPLY by Wells Electronic Inc to response to [28-1] motion for summary judgment. (3) (cxb) [Entry date 05/14/92]

5/21/92	38	NOTICE of attorney appearance for Wayne K Pfaff, Wayne K Pfaff by Marvin R Thomas. (2) (cxb) [Entry date 05/22/92]
6/1/92	39	Proposed findings of fact and conclusions of law by Wayne K Pfaff. (15+) (cxb) [Entry date 06/03/92]
6/1/92	40	JOINT STATUS REPORT OF SETTLEMENT NEGOTIATIONS by Wells Electronic Inc, Wayne K Pfaff. (1) (cxb) [Entry date 06/03/92]
6/1/92	41	Witness list AND DESIGNATION OF DEPOSITION TRANSCRIPTS by Wayne K Pfaff. (3) (cxb) [Entry date 06/03/92]
6/1/92	42	PROPOSED TRIAL Exhibit list by Wells Electronic Inc. (10) (cxb) [Entry date 06/03/92]
6/1/92	43	TRIAL Exhibit list by Wayne K Pfaff. (4) (cxb) [Entry date 06/03/92]
6/1/92	44	TRIAL BRIEF by Wayne K Pfaff. (15+) (cxb) [Entry date 06/03/92]
6/1/92	45	JOINT MOTION for consideration of stipulated evidence by Wells Electronic Inc, Wayne K Pfaff. (15+) (Under Separate Cover) (cxb) [Entry date 06/03/92]
6/1/92	46	Order Unfiling Pleading by defendant Wells Electronic Inc Re: Trial Brief. Copies to counsel: 6/1/92 (signed by Judge Barefoot Sanders) Page(s) 1 (cxb) [Entry date 06/03/92]
6/1/92	47	Order Unfiling Pleading by defendant Wells Electronic Inc Re: Proposed Witness List. Copies to counsel: 6/1/92 (signed by Judge Barefoot Sanders) Page(s) 1 (cxb) [Entry date 06/03/92]

6/1/92	48	Order Unfiling Pleading by defendant Wells Electronic Inc Re: Proposed Findings of Fact & Conclusion of Law. Copies to counsel: 6/1/92 (signed by Judge Barefoot Sanders) Page(s) 1 (cxb) [Entry date 06/03/92]
6/2/92	49	PRETRIAL ORDER filed (signed by Judge HBS) Copies to counsel: 6/2/92 Page(s): 6 (cxb) [Entry date 06/04/92]
6/2/92	53	MEMORANDUM OPINION AND ORDER denying [30-1] motion for special hearing/for oral argument . . . denied as moot, granting [28-1] motion for summary judgment . . . this case is DISMISSED. (signed by HBS) Copies to counsel: 6/2/92 Page(s): 10 (bss) [Entry date 06/09/92]
6/2/92	--	Case closed (bss) [Entry date 06/09/92]
6/3/92	50	Witness list AND DESIGNATION OF DEPOSITION TRANSCRIPTS (AMENDED) by Wayne K Pfaff. (3) (cxb) [Entry date 06/05/92]
6/4/92	51	REQUEST/MOTION by Wells Electronic Inc for refiling of deft's proposed witness list, trial brief, and proposed findings of facts and conclusions of law (6) (cxb) [Entry date 06/05/92]
6/5/92	52	ORDER granting [51-1] motion for refiling of deft's proposed witness list, trial brief, and proposed findings of facts and conclusions of law, and are refiled effective 6/1/92. (signed by Judge HBS)

		Copies to counsel: 6/5/92 Page(s) 1 (cxb) [Entry date 06/08/92]
6/12/92	54	MOTION with memorandum in support by Wayne K Pfaff for reconsideration of [53-1] order (15+) (NOD) (cxb) [Entry date 06/16/92]
6/12/92	55	REQUEST/MOTION by Wayne K Pfaff for special hearing/for oral argument (3) (cxb) [Entry date 06/16/92]
6/17/92	56	ORDER denying [55-1] motion for special hearing/for oral argument, denying [54-1] motion for reconsideration of [53-1] order. (signed by Judge HBS) Copies to Counsel: 6/17/92 Page(s) 1 (cxb) [Entry date 06/19/92]
6/19/92	--	Notified Commissioner of Patents & Trademarks of case closing. (grj)
7/1/92	57	NOTICE OF APPEAL by Wayne K Pfaff, plaintiff, to U.S. Court of Appeals for the Federal Circuit from the Memorandum Opinion and Order entered 6/2/92 & the Order entered 6/17/92, denying Plaintiff's Motion for Reconsideration of Dft's Motion for Summary Judgment. (2) Fee payment amount: $105.00 Receipt # 45927 Appeal record due on 7/16/92 (klm) [Entry date 07/02/92] [Edit date 07/06/92]
7/6/92	--	Notice of appeal and certified copy of docket to Federal Circuit Court of Appeals: [57-1] appeal (klm) [Entry date 07/02/92] [Edit date 07/06/92]
7/6/92	58	STIPULATION of dismissal by both parties of that portion of the Defendant's

		counterclaim relating to patent invalidity (1) (mjl) [Entry date 07/09/92] [Edit date 07/09/92]
7/7/92	59	ORDER . . . granting [58-1] dismissal stipulation as to deft's counterclaim for patent invalidity (signed by HBS) Copies to counsel: 7/7/92 Page(s) 1 (ldm) [Entry date 07/09/92]
7/13/92	60	NOTICE of Docketing from U.S. Court of Appeals for the Federal Circuit (2) cc to Judge & CTCRD (klm)
9/30/93	61	ORDER OF USCA (certified copy) Re: [57-1] appeal; case is remand for further proceedings. Each party to bear its own costs. REVERSED AND REMANDED. (17 PAGES) cc to Judge Opinion Filed and Judgment entered Sept 10, 1993. (mer) [Entry date 10/05/93]
9/30/93	--	Case reopened (lat) [Entry date 10/12/93]
10/8/93	62	JUDGMENT OF USCA (certified copy) Re: [57-1] appeal Issued as mandate on 10/1/93 cause been heard and considered, it is ORDERED AND ADJUDGED; . . . REVERSED AND REMANDED. (1 page) cc to Judge. (mer) [Entry date 10/12/93] [Edit date 10/25/93]
10/8/93	63	ORDER OF USCA (certified copy) Re: . . . ct reverse the dist. ct summary jgm because it improperly resolved a genuine issue of material fact, and we remand for further proceedings. Costs each pty to bear own costs. (15 pages) cc

		to judge. (mer) [Entry date 10/12/93] [Entry date 10/25/93]
10/13/93	64	STATUS REPORT ORDER. Joint Status report due on 11/2/93 (signed by HBS) Copies to counsel: 10/13/93 Page(s): 2 (lat)
11/2/93	65	JOINT STATUS REPORT by Wells Electronic Inc, Wayne K Pfaff (4) (lat) [Entry date 11/03/93]
11/5/93	66	ORDER, SET status conference for 2:00 11/23/93 (signed by HBS) Copies to counsel: 11/8/93 Page(s) 1 (lat) [Entry date 11/09/93]
11/23/93	67	Proposed Witness list by Wells Electronic Inc (3) (lat) [Entry date 11/24/93]
11/23/93	68	TRIAL BRIEF by Wells Electronic Inc (15+) (lat) [Entry date 11/24/93]
11/23/93	69	Proposed Exhibit list by Wells Electronic Inc (11) (lat) [Entry date 11/24/93]
11/23/93	70	Proposed findings of fact and conclusions of law. by Wells Electronic Inc (15+) (lat) [Entry date 11/24/93]
11/23/93	71	SCHEDULING ORDER setting Bench trial set for 2/22/94; Discovery cutoff 12:00 1/25/94; Pretrial materials due 12:00 1/25/94 . . . see order for specifics (signed by HBS) Copies to counsel: 11/24/93 Page(s): 2 (lat) [Entry date 11/26/93]
11/24/93	72	ORDER referring case to Mediation; Bill H Brister ADR provider; SET status report due 01/10/94 Type of ADR: Mediation Requested By: Joint . . . see

		order for specifics (Signed by HBS) Copies to counsel: 11/24/93 Page(s): 3 (lat) [Entry date 11/26/93] [Edit date 12/30/93]
12/13/93	73	MOTION by counter-defendant Wayne K Pfaff, plaintiff Wayne K Pfaff for Marvin Thomas to withdraw as attorney (1) (lat) [Entry date 12/14/93]
12/15/93	74	ORDER granting [73-1] motion for Marvin Thomas to withdraw as attorney (Terminated attorney Marvin R Thomas for Wayne K Pfaff, attorney Marvin R Thomas for Wayne K Pfaff (signed by HBS) Copies to counsel: 12/15/93 Page(s) 1 (lat) [Entry date 12/17/93]
12/21/93	75	Second Amended Witness list by Wayne K Pfaff and designation of deposition transcripts (3) (lat) [Entry date 12/27/93]
1/11/94	76	STATUS REPORT ORDER. Joint Status report due on 1/19/94 . . . see order for specifics (signed by HBS) Copies to counsel: HBS Page(s): 2 (lat) [Entry date 01/12/94]
1/19/94	77	JOINT STATUS REPORT by Wells Electronic Inc, Wayne K Pfaff (4) (lat) [Entry date 01/21/94]
1/28/94	78	Letter MOTION to reschedule trial setting by Wells Electronic Inc (1) (lat) [Entry date 02/01/94]
1/31/94	79	ORDER granting [78-1] motion to reschedule trial setting . . . accordingly the 2/22-28, 1994 trial setting is vacated and the case will be rescheduled for trial

(signed by HBS) Copies to counsel: 1/31/94 Page(s) 1 (lat) [Entry date 02/01/94]

3/2/94	80	ORDER . . . that each party shall submit a list containing the name, address and telephone number of 6 licensed patent law practitioners any of whom would be considered acceptable to the submitting party as a Special Master by 3/28/94 at 12:00 . . . if the names of one or more persons appears on both lists the court shall select as Special Master a person whose name appears on both lists . . . if no name appears on both lists the court shall select a licensed patent law practitioner to be Special Master (signed by HBS) Copies to counsel: 3/2/94 Page(s) 2 (lat) [Entry date 03/04/94]
03/28/94	81	MOTION by plaintiff Wayne K Pfaff for proposed special master(15+) (jac) [Entry date 03/29/94]
3/29/94	82	STATUS REPORT/list of acceptable licensed patent law practitioners for Special Master by defendant Wells Electronic Inc (2) (cpm) [Entry date 03/31/94]
3/29/94	83	ORDER appointing Edward G Fiorito as Special Master . . . The compensation of the Special Master shall be allocated between the parties as thc Court may direct . . . The Special Master is directed to conduct hearings and take other actions necessary to facilitate the filing of his Report . . . The Special Master is directed to file a report on the status of proceedings by noon 5/16/94 (signed by

BS) Copies to counsel: 3/30/94 Page(s) 2 (cpm) [Entry date 03/31/94]

3/30/94	84	Letter from the Honorable Barefoot Sanders notifying Edward G Fiorito that he has been appointed Special Master (1) (cpm) [Entry date 03/31/94]
5/12/94	85	STATUS REPORT regarding proceedings by special master Edward G Fiorito (9) (jac) [Entry date 05/13/94]
6/29/94	86	Witness list and Designation of Deposition Transcripts (Third Amended) by plaintiff Wayne K Pfaff (4) (jac) [Entry date 06/30/94]
6/29/94	87	Proposed findings of fact and conclusions of law by plaintiff Wayne K Pfaff (15) (jac) [Entry date 06/30/94]
7/5/94	88	Addendum to Proposed Trial Exhibit list by defendant Wells Electronic Inc (3) (jac) [Entry date 07/07/94]
7/5/94	89	SUPPLEMENTAL TRIAL BRIEF for Infringement Portion by plaintiff Wayne K Pfaff (15+) (jac) [Entry date 07/07/94]
9/12/94	90	POST TRIAL BRIEF by plaintiff Wayne K Pfaff in support of judgment for infringement. (15+) (under separate cover) (jrb) [Entry date 09/13/94]
9/19/94	91	RESPONSE by plaintiff Wayne K Pfaff in opposition to [90-1] brief (12) (svc) [Entry date 09/21/94]
9/19/94	92	Supplemental Proposed findings of fact and conclusions of law. by plaintiff Wayne K Pfaff (7) (svc) [Entry date 09/21/94]

9/19/94	93	TRIAL BRIEF by defendant Wells Electronic Inc (15+) (svc) [Entry date 09/21/94]
9/26/94	94	MOTION by defendant Wells Electronic Inc to strike [91-1] opposition response (NOD) (1) (jrb) [Entry date 09/27/94]
9/26/94	94	MOTION/REQUEST by defendant Wells Electronic Inc for consideration of sanctions (NOD) (1) (jrb) [Entry date 09/27/94]
9/26/94	95	MEMORANDUM by defendant Wells Electronic Inc in support of [94-1] motion for consideration of sanctions, [94-1] motion to strike [91-1] opposition response (4) (jrb) [Entry date 09/27/94]
9/27/94	96	MOTION by defendant Wells Electronic Inc to strike [91-1] opposition response, and for consideration of sanctions (NOD) (1) (jrb) [Entry date 09/28/94]
9/27/94	97	MEMORANDUM by defendant Wells Electronic Inc in support of [96-1] motion to strike [91-1] opposition response, [96-2] motion for consideration of sanctions (8) (jrb) [Entry date 09/28/94]
10/5/94	98	RESPONSE by plaintiff Wayne K Pfaff to [96-1] motion to strike [91-1] opposition response (4) (mer) [Entry date 10/07/94]
10/20/94	99	REPLY by defendant Wells Electronic Inc to response to [96-1] motion to strike [91-1] opposition response, [96-2] motion for consideration of sanctions, [94-1] motion for consideration of sanctions,

		[94-1] motion to strike [91-1] opposition response (1) (jrb) [Entry date 10/24/94]
10/25/94	100	Proposed findings of fact and conclusions of law. by special master Edward G Fiorito (15+) (jrb) [Entry date 10/27/94]
12/5/94	101	Validity Summary of by defendant Wells Electronic Inc (8) (jrb) [Entry date 12/06/94]
12/12/94	102	ORDER granting [96-1] motion to strike [91-1] opposition response, granting [94-1] motion to strike [91-1] opposition response (signed by EGF) Copies to counsel: 12/13/94 Page(s) 2 (jrb) [Entry date 12/13/94]
1/17/95	103	MOTION by defendant Wells Electronic Inc to reinstate Defendant's counterclaim (2) (jrb) [Entry date 01/19/95]
1/17/95	104	MOTION by defendant Wells Electronic Inc to mend pleadings to specifically include 35 USC Section 112 defenses as a counterclaim (2) (jrb) [Entry date 01/19/95]
1/19/95	--	Address change form sent to James D Hall Baker and Daniels, 205 W Jefferson Blvd. #250, South Bend, Indiana 46601 (1) (jrb)
1/26/95	105	RESPONSE by plaintiff Wayne K Pfaff in opposition to [104-1] motion to mend pleadings to specifically include 35 USC Section 112 defenses as a counterclaim, [103-1] motion to reinstate Defendant's counterclaim (9) (jrb) [Entry date 01/27/95]

2/28/95	106	Letter with attachments from James D Hall in re: admissibility to the dft's exhibit ALA as prior art. (15+) (jrb) [Entry date 03/01/95]
3/2/95	107	ORDER granting [104-1] motion to mend pleadings to specifically include 35 USC Section 112 defenses as a counterclaim, granting [103-1] motion to reinstate Defendant's counterclaim . . . the dft's counterclaim regarding patent invalidity and non-infringement filed with its answer is hereby ordered reinstated; and the dft's amended answer to pltff's original answer . . . is hereby ordered entered. (signed by EGF) Copies to counsel: 3/3/95 Page(s) 2 (jrb) [Entry date 03/06/95]
3/2/95	108	Draft Report and Proposed findings of fact and conclusions of law recommended by special master Edward G Fiorito re: patent infringement and validity. (15+) (jrb) [Entry date 03/07/95]
3/2/95	109	AMENDED ANSWER to Complaint by defendant Wells Electronic Inc: amends [10-1] answer (3) (jrb) [Entry date 03/09/95]
03/8/95	110	ORDER SETTING TIME FOR COMMENTS ON DRAFT REPORT BY SPECIAL MASTER . . . must be filed with the Clerk on or before 4/3/95. See order for specifics. (signed by EGF) Copies to counsel: 3/10/95 Page(s) 1 (jrb) [Entry date 03/10/95]
3/27/95	111	Copies of a very recent Fed Cir Case not yet in the PQ Advance sheet, Comair

		Rotron, Inc vs Nippon Densan Corporation and Nidec Corporation, 93-1397 by special master Edward G Fiorito (15) (jrb) [Entry date 03/29/95]
4/3/95	112	Comments by defendant Wells Electronic Inc on draft report regarding findings of fact and conclusions of laws recommended by the special master. (15+) (jrb) [Entry date 04/04/95]
4/3/95	113	Suggestions regarding draft report and findings of fact and conclusions of law recommended by Special Master re: Patent Infringement and Validity by plaintiff Wayne K Pfaff (15+) (jrb) [Entry date 04/06/95]
5/10/95	114	Third Draft Report and Findings of Fact and Conclusions of Law recommended by special master Edward G Fiorito re: Patent Infringement and validity. (15+) (jrb) [Entry date 05/11/95]
5/17/95	115	MOTION by defendant Wells Electronic Inc to extend/enlargement of time to respond to draft report and findings of fact and conclusions of law recommended by special master re: patent infringement and validity (2) (jrb) [Entry date 05/18/95]
5/17/95	116	ORDER setting Time for comments on the third draft report of the special master . . . due on or before June 1, 1995. (signed by Edward G Fioriti) Copies to counsel: 5/22/95 Page(s) 1 (jrb) [Entry date 05/23/95]
6/1/95	117	Selected comments regarding second draft report concerning findings of fact

and conclusions of law recommended by the special master by defendant Wells Electronic Inc (4) (jrb) [Entry date 06/07/95]

6/1/95 118 MOTION by defendant Wells Electronic Inc to submit into evidence and to make part of the record the full English translation of previously admitted foreign reference (14) (jrb) [Entry date 06/07/95]

6/1/95 119 MEMORANDUM by defendant Wells Electronic Inc in support of [118-1] motion to submit into evidence and to make part of the record the full English translation of previously admitted foreign reference (6) (jrb) [Entry date 06/07/95]

6/7/95 -- Letter to James D Hall in re: address change. Sent to 205 W Jefferson Blvd., Suite 250, South Bend, Indiana 46601 (1) (jrb)

6/16/95 120 RESPONSE by Wayne K Pfaff to [118-1] motion to submit into evidence and to make part of the record the full English translation of previously admitted foreign reference (11) (ldm) [Entry date 06/21/95]

6/21/95 121 REPLY by defendant Wells Electronic Inc to response to [118-1] motion to submit into evidence and to make part of the record the full English translation of previously admitted foreign reference (7) (jac) [Entry date 06/22/95]

6/27/95 122 MOTION with memorandum in support by plaintiff Wayne K Pfaff to strike

[121-1] response reply (4) (NOD) (jrb) [Entry date 06/28/95]

7/5/95 -- Placed 2 boxes of plaintiff's and defendant's exhibits down the hall in sealed exhibit room. (klm)

7/5/95 123 ORDER granting [118-1] motion to submit into evidence and to make part of the record the full english translation of previously admitted foreign reference (signed by Edward G Fiorito) Copies to counsel: 7/5/95 Page(s) 1 (jrb) [Entry date 07/10/95]

7/5/95 124 Final Report and FINDINGS OF FACT AND CONCLUSIONS OF LAW recommended by the Special Master. See document for Specifics. (signed by Edward G Fiorito) Copies to counsel: 7/5/95 Page(s): 15+ (jrb) [Entry date 07/10/95]

7/12/95 125 JOINT MOTION to extend time for serving written objections by defendant Wells Electronic Inc, plaintiff Wayne K Pfaff (2) (jrb) [Entry date 07/14/95]

7/28/95 126 RESPONSE by defendant Wells Electronic Inc in opposition to [124-1] findings of fact order (15+) (jrb) [Entry date 07/31/95]

7/31/95 127 MOTION by plaintiff Wayne K Pfaff to amend [124-1] findings of fact order and to adopt the amended report (15+) (jrb) [Entry date 08/01/95] [Edit date 08/02/95]

7/31/95 128 MEMORANDUM by plaintiff Wayne K Pfaff in support of [127-1] motion to amend [124-1] findings of fact order and

to adopt the amended report (15+) (jrb) [Entry date 08/01/95] [Edit date 08/02/95]

7/31/95 129 RESPONSE by plaintiff Wayne K Pfaff in opposition to [124-1] findings of fact order (5) (jrb) [Entry date 08/01/95]

8/3/95 130 RESPONSE by defendant Wells Electronic Inc in opposition to [124-1] findings of fact order (2) (NOD) (jrb)

8/3/95 130 MOTION by defendant Wells Electronic Inc for action upon Special Master's Report (NOD) (2) (jrb)

8/8/95 131 ORDER . . . the Court will conduct a hrg at 2:00 on 8/23/95 on the parties obj to the Final Report and Findings of Fact and Conclusions of Law recommended by the Special Master filed 7/5/95. (signed by HBS) Copies to counsel: 8/8/95 Page(s) (jrb) [Entry date 08/11/95]

8/14/95 132 RESPONSE by plaintiff Wayne K Pfaff in opposition to [130-1] opposition response of dft Wells Elec., to the Final Report and Findings of Fact and Conclusions of Law Recommended by Special Master (15+) (jyg) [Entry date 08/15/95]

8/21/95 133 MOTION by defendant Wells Electronic Inc for David R Melton to appear pro hac vice (NOD) (3) (jrb) [Entry date 08/23/95]

8/21/95 134 ORDER granting [133-1] motion for David R Melton to appear pro hac vice (signed by HBS) Copies to counsel:

8/22/95 Page(s) 1 (jrb) [Entry date 08/23/95]

8/22/95 135 RESPONSE by defendant Wells Electronic Inc in opposition to [132-1] opposition response (15+) (jrb) [Entry date 08/23/95]

8/23/95 137 Minute order: Hearing on Objections to Final Report of Special Master. Held before Judge Barefoot Sanders Court Reporter: Janet Burden (klm) [Entry date 09/12/95]

9/7/95 136 NOTICE of change of law firm by atty for plaintiff Wayne K Pfaff (2) (jrb) [Entry date 09/11/95]

10/19/95 138 Proposed findings of fact and conclusions of law. by special master Edward G Fiorito (108) (cjb) [Entry date 10/20/95]

10/25/95 139 ORDER . . . Finding of fact and conclusions of law of special master Edward Fiorito are adopted as the finding of the court. Dft is directed to submit by noon 11-3-95 a proposed jgm. (signed by HBS) Copies to counsel: 10-25-95 Page(s) 1 (svc) [Entry date 10/26/95]

11/3/95 140 MOTION by plaintiff Wayne K Pfaff for entry of judgment (2) (svc) [Entry date 11/06/95]

11/3/95 141 NOTICE of submission of a proposed final judgment by plaintiff Wayne K Pfaff (2) (svc) [Entry date 11/06/95]

11/8/95 142 ORDER . . . Proposed judgment must be filed by 12:00 11-20-95; Brief in support of request for permanent injunction by

11-20-95 & dft Wells must respond by noon 12-1-95. See order for specifics. (signed by HBS) Copies to counsel: 11-8-95 Page(s) 2 (svc)

11/9/95 143 OBJECTIONS of Dft's proposed final judgment and MOTION with memorandum in support by plaintiff Wayne K Pfaff for entry of judgment and injunction (4) (svc) [Entry date 11/13/95]

11/20/95 144 MOTION with memorandum in support by counter-defendant Wayne K Pfaff for permanent injunction (5) (svc) [Entry date 11/21/95]

12/1/95 145 MEMORANDUM by defendant Wells Electronic Inc in opposition to [144-1] motion for permanent injunction (15+) (lch) [Entry date 12/05/95]

12/15/95 146 JUDGMENT ON LIABILITY . . . Court enters judgment on issue of liability (see order for specifics on claims). The bifurcated issue of damages is stayed pending disposition of all appeals re issues of infringement and validity. (signed by HBS) Copies to counsel: 12/18/95 Page(s): 2 (ldm) [Entry date 12/18/95]

12/15/95 147 DECREE OF INJUNCTION ORDER granting [144-1] motion for permanent injunction . . . ordered that deft Wells Electronics be enjoined and restrained from making, using or selling any device or apparatus defined by Claim 7, 10, 11 or 19 of US Letters Patent No. 4,491,377; from making, using or selling any socket device or apparatus which incorporates,

uses, or includes contact pins arranged in 4 sides of a cavity shown in Exhibits A, B, C, D, E or F attached; from making, using or selling any socket device or similar apparatus which embodies, uses or includes the general configuration of any of the sockets previously made by deft and identified as Wells Model No. 647, No. 653, No. 667 and No. 668 which have contact pins arranged on 4 sides of a cavity defined by such contact pins. (signed by HBS) Copies to counsel: 12/18/95 Page(s) 8 (ldm) [Entry date 12/18/95]

12/15/95 148 ORDER DIRECTING ADMINISTRATIVE CLOSURE (signed by HBS) Copies to counsel: 12/18/95 Page(s): 1 (ldm) [Entry date 12/18/95]

12/28/95 149 MOTION with memorandum in support by plaintiff Wayne K Pfaff to amend [146-1] judgment order (4) (mm) [Edit date 12/28/95]

12/29/95 150 NOTICE OF APPEAL by Wells Electronic Inc, dft, to USCA for the Federal Circuit, from the final judgment on liability as it relates to the district court's findings regarding U.S. Patent 4,491,377 that Claims 7, 10, 11 and 19 are not invalid and that Claims 7, 10 and 11 are infringer, entered on 12/18/95. (1) Fee payment amount: 105.00 Receipt # 77434 (bss)

12/29/95 -- Notice of appeal and certified copy of docket to USCA for the Federal Circuit [150-1] appeal (bss)

12/29/95 151 ORDER granting [149-1] motion to amend [146-1] judgment on liability order (signed by HBS) Copies to counsel: 12/29/95 1 (ldm) [Entry date 01/02/96]

12/29/95 152 FINAL JUDGMENT ON LIABILITY . . . after adoption on 10/25/95 of the Report and Findings of Fact and Conclusions of law of the Special Master, the Court directs entry of the following JUDGMENT on the issue of liability: 1. Claims 1 & 6 of Patent No. 4,491,377 are invalid, and not infringed by any of the Wells socket devices. 2. Claims 7, 10, 11 & 19 of Patent No. 4,491,377 are not invalid. 3. The Wells Model No. 647 device infringes Claims 7 & 10, but does not infringe Claims 11 or 19. 4. The Wells Model No. 653 device infringes Claims 7, 10 and 11, but does not infringe Claim 19. 5. The Wells Model No. 667 device infringes Claims 7 & 10, but does not infringe Claims 11 or 19. 6. The Wells Model No. 668 device as shown in pltf's exhibit 179 infringes Claims 7 & 10, but does not infringe Claims 11 or 19. The remaining embodiments of the Wells Model No. 668 devices do not infringe Claims 7, 10, 11, or 19. 7. The Wells Model Nos. 642, 648, 649, 652 and 663 devices do not infringe Claims 7, 10, 11 or 19. The bifurcated issue of damages is stayed pending disposition of all appeals regarding issues of infringement and validity. (signed by HBS) Copies to counsel: 12/29/95 Page(s): 2 (ldm) [Entry date 01/02/96]

1/5/96 153 NOTICE OF APPEAL by Wayne K Pfaff, pla, to USCA for the Federal Circuit, from those portions of the final judgment on liability entered 12/29/95 . . . (2) Fee payment amount: no fee paid (bss) [Entry date 01/09/96]

01/9/96 -- Notice of appeal and certified copy of docket to USCA for the Federal Circuit: [153-1] appeal (bss)

1/11/96 -- USCA appeal fees receive $ 105.00 (bss) [Entry date 01/12/96]

1/16/96 154 AMENDED NOTICE OF APPEAL by Wells Electronic Inc., dft, to USCA for the Federal Circuit from the procedurally amended final judgment on liability as it relates to the district court's findings regarding U.S. Patent 4,491,377 that claims 7, 10, 11 and 19 are not invalid and that claims 7, 10 and 11 are infringed, entered on 12/29/95. (1) Fee payment amount: $5.00 telephoned atty and advised him that the $100 docketing fee was required. Receipt #77904 (bss) [Entry date 01/17/96]

1/17/96 -- Notice of appeal and certified copy of docket to USCA for the Federal Circuit [154-1] appeal (bss)

1/18/96 -- USCA appeal fees received (bss) [Entry date 01/22/96]

1/24/96 -- USCA for the Federal Circuit Case Number, 96-1150 Re: [150-1] appeal (bss)

1/24/96 155 NOTICE of Docketing by USCA for the Federal circuit. (3) (bss)

2/26/96 156 STIPULATED MOTION by Wells Electronic Inc, Wayne K Pfaff for filing trial transcript (2) (bss) [Entry date 02/29/96]

2/26/96 157 ORDER granting [156-1] motion for filing trial transcript (signed by Judge Sanders) Copies to counsel: 2/26/96 Page(s) 1 (bss) [Entry date 02/29/96]

2/26/96 158 COPY OF TRANSCRIPT (STATEMENT OF FACTS) filed [154-1] appeal, [153-1] appeal, [150-1] appeal for dates of 7/5/94 – Vol I – Ct. Reporter – Bradford Court Reporting (UNDER SEPARATE COVER) (bss) [Entry date 02/29/96]

2/26/96 159 COPY OF TRANSCRIPT (STATEMENT OF FACTS) filed [154-1] appeal, [153-1] appeal, [150-1] appeal for dates of 7/6/94 – Vol II – Ct. Reporter – Bradford Court Reporting (UNDER SEPARATE COVER) (bss) [Entry date 02/29/96]

2/26/96 160 COPY OF TRANSCRIPT (STATEMENT OF FACTS) filed [154-1] appeal, [153-1] appeal, [150-1] appeal for dates of 7/7/94 – Vol III – Ct. Reporter – Bradford Court Reporting – UNDER SEPARATE COVER (bss) [Entry date 02/29/96]

2/26/96 161 COPY OF TRANSCRIPT (STATEMENT OF FACTS) filed [154-1] appeal, [153-1] appeal, [150-1] appeal for dates of 7/8/96 – Vol IV – Ct. Reporter – Bradford Court Reporting – UNDER SEPARATE COVER) (bss) [Entry date 02/29/96]

2/26/96 162 COPY OF TRANSCRIPT (STATEMENT OF FACTS) filed [154-1] appeal, [153-1]

appeal, [150-1] appeal for dates of 7/8/94 – Vol V – Ct. Reporter – Bradford Court Reporting – UNDER SEPARATE COVER (bss) [Entry date 02/29/96]

02/26/96 163 COPY OF TRANSCRIPT (STATEMENT OF FACTS) filed [154-1] appeal, [153-1] appeal, [150-1] appeal for dates of 12/8/94 – Vol VI – Ct. Reporter – Bradford Court Reporting – UNDER SEPARATE COVER (bss) [Entry date 02/29/96]

2/26/96 -- JUDGMENT OF USCA (certified copy) Re: [153-1] appeal Issued as mandate on 2/21/96 . . . the appellant having failed to pay the docketing fee . . . ORDERED that the notice of appeal be, and the same hereby is DISMISSED, for failure to prosecute in accordance with the rules. (2) (civil appeals clerk contacted USCA for the Federal Circuit and advised them that the fee had been paid. They requested I send them a new docket sheet and transmittal letter stating the fee had been paid at a later date. This was done) (bss) [Entry date 02/29/96]

3/19/96 165 ORDER OF USCA (certified copy) Re: [154-1] appeal . . . appellant having paid the required filing fee, it is ORDERED that the order of dismissal and the mandate be, and the same hereby are VACATED and RECALLED, and the notice of appeal is REINSTATED. (2) (bss) [Entry date 03/20/96]

3/19/96	--	NOTICE OF APPEAL by Wayne K Pfaff * * * APPEAL IS REINSTATED * * * THIS ENTRY IS BEING MADE TO PUT THE APPEAL BACK ON THE LIST FOR STATISTICAL PURPOSES per order from USCA For the Federal Circuit Fee payment amount: Receipt # (bss) [Entry date 03/20/96]
3/19/96	--	USCA for the Federal Circuit Case Number, 96-1187 Re: [0-1] appeal (bss) [Entry date 03/20/96]
9/12/97	166	ORDER OF USCA for the Federal Circuit . . . AFFIRMED IN PART & REVERSED IN PART See order for specifics (certified copy) Re: [0-1] appeal, [154-1] appeal, [150-1] appeal (18) cc: Judge (ple) [Entry date 09/15/97] [Edit date 09/15/97]
10/17/97	--	ORDER OF UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT . . . UPON CONSIDERATION THEREOF, it is ORDERED that the petition for rehearing be, and the same hereby, is DENIED. The mandate of the court will issue on October 10, 1997. (certified copy) Re: [0-1] appeal (2) cc: Judge (lag)
10/17/97	167	ORDER OF USCA FOR THE FEDERAL CIRCUIT . . . UPON CONSIDERATION THEREOF, it is ORDERED that the petition for rehearing be, and the same hereby is, DENIED. (certified copy) The mandate of the court will issue on October 10, 1997 Re: [0-1] appeal (2) cc: Judge (lag) [Entry date 10/20/97]

10/17/97	168	JUDGMENT OF USCA FOR THE FEDERAL CIRCUIT . . . This CAUSE having been heard and considered, it is ORDER AND ADJUDGED: AFFIRMED-IN-PART and REVERSED-IN-PART (certified copy) Re: [0-1] appeal Issued as mandate on 10/10/97 (1) cc: Judge (lag) [Entry date 10/20/97]
12/3/97	169	IMG STATUS REPORT ORDER. Joint Status report due on 12:00 12/19/97 re: recommendation case selected: 3:91cv1542 ns for the disposition of the remaining issues. (signed by Judge Sanders) Copies to counsel: 12/4/97 Page(s): 1 (jas) [Entry date 12/04/97]
12/15/97	170	STATUS REPORT by plaintiff Wayne K Pfaff (2) (jas)
12/16/97	171	STATUS REPORT by defendant Wells Electronic Inc (2) (jas)

U.S. Court of Appeals for the Federal Circuit Docket For

Title PFAFF V WELLS ELEC INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS/DALLAS DIV.
CJ SANDERS

NO. 91-CV-1542-H

FILING DATE July 10, 1992

FILING FEE PAID YES

TERM AND DOCKET NO. 92-1431

DATE	PROCEEDINGS AND ORDERS
July 1, 1992	Notice of appeal filed by Plaintiff in the US district court. (lp)
July 9, 1992	Notice of appeal and certified list, received. (lp)
	COUNSEL FOR THE APPELLANT: Barry L. Grossman
	MOB _X_ BAS ___ _____
	COUNSEL FOR THE APPELLEE: James D. Hall
	MOB _X_ BAS ___ _____
August 7, 1992	Certificate of Interest for the Appellant, filed.
August 10, 1992	Certificate of Interest for the Appellee, filed.
July 10, 1992	Notice of appeal and certified list, docketed. Notice sent to the parties. (lp)

July 29, 1992	Sent rejection letter to James D. Hall, concerning his entry of appearance. (tth)
Sept 8, 1992	BRIEF FOR THE APPELLANT, filed. (MS-9/8/92) (cr)
Oct 19, 1992	BRIEF FOR THE APPELLEE, filed. (MS-10/19/92) (cr)
	1. JOINT STATEMENT OF COMPLIANCE PURSUANT TO RULE 33, FILED: 10/27/92 (EOD 10/28/92) (LP) 92-1431
Nov 5, 1992	REPLY BRIEF FOR APPELLANT, filed. (MS-11/5/92) (cr)
Nov 12, 1992	JOINT APPENDIX, filed. (MS-11/12/92) (cr)
December 2, 1992	2. PANEL OIG on Jan 8 ORAL ARGUMENT CALENDAR LETTER sent to Grossman & Hall (df)
	3. APPELLANT'S LTR TO COURT ADVISING THAT VISUAL AIDS WILL BE USED DURING ORAL ARGUMENT AND REQUESTING THAT (3) EASELS OR STANDS FOR CHARTS BE AVAILABLE IN THE COURT ROOM, (SENT TO PANEL) (MS-01/04/93) RECEIVED: 01/04/93 (EOD 01/07/93) (LP) 92-1431
January 8, 1993	ARGUED. (Plager & Schall, JJ, and Bennett, SJ). (tth)

September 10, 1993 REVERSED AND REMANDED. (Plager, CJ) "JUDGMENT ENTERED" 5 f3d 514 Each party to bear its own costs (sk).

COUNSEL FOR THE APPELLANT

(WAYNE K. PFAFF, Plaintiff)

BARRY L. GROSSMAN
BANNER, BIRCH, MCKIE & BECKETT
1001 G STREET N.W., 11TH FLOOR
WASHINGTON, DC 20001-4597
(202) 508-9100
8-10-92 (tth)

OF COUNSEL:
Joseph M. Skerpon

COUNSEL FOR THE APPELLEE

(WELLS ELECTRONIC, INC., Defendant)

JAMES D. HALL
P.O. BOX 420
SOUTH BEND, IN 46624
(219) 234-6091
8-10-92 (tth)

DATE	PROCEEDINGS AND ORDERS
October 1, 1993	ISSUED AS A MANDATE TO THE US DCT/ND/TX. (lp)

U.S. Court of Appeals for the Federal Circuit Docket For

Consolidated w/cross-appeal 96-1187

Title PFAFF V WELLS ELECTRONICS, INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS (Dallas)
C.J. SANDERS

DOCKET NO. 91-CV-1542

FILING DATE
January 22, 1996

FILING FEE PAID 12/29/95

TERM AND DOCKET NO. 96-1150

DATE	PROCEEDINGS AND ORDERS
January 10, 1996	Motion for Stay of Injunction, received. (cs) COUNSEL FOR THE APPELLANT: James D. Hall MOB ___ BAS ___ _____ COUNSEL FOR THE APPELLEE: Barry L. Grossman MOB _X_ BAS ___ _____
February 2, 1996	Certificate of Interest for the Appellant, filed. Certificate of Interest for the Appellee, filed. 1. Appellant - MOTION FOR STAY OF INJUNCTION. [NPF] (MS-01/05/96) FILED: 01/22/96. REPLY 1 (2) FILED: 01/16/96. ACTION ON

MOTION (4): MOTION GRANTED. BY MOTIONS PANEL. JUDGE: PLAGER. FILED: 01/26/96. (EOD 01/26/96 BY JB) 96-1150

December 29, 1995	Notice of appeal filed by defendant in the district court. (cs)
January 2, 1996	Notice of appeal and certified list, received. (cs)
January 22, 1996	Notice of appeal and certified list, docketed. Notice sent to the parties. (cs)
January 22, 1995	Notice of cross-appeal and certified list, docketed. Cross-appeal consolidated with appeal 96-1187. Notice sent to the parties. (cs)

3. Appellee – MOTION FOR EXPEDITED CONSIDERATION DUE TO DISRUPTION IN INDUSTRY. (MS-01/19/96) FILED: 01/22/96. REPLY 1 (6) FILED: 01/24/96. ACTION ON MOTION (5): MOOT. BY CLERK. FILED: 01/26/96. (EOD 01/31/96 BY LP) 96-1150

7. Cross-Appellant – PFAFF'S MOTION FOR RECONSIDERATION OF ORDER GRANTING STAY. (MS-01/29/96) FILED: 01/30/96. ACTION ON MOTION (9): MOTION FOR RECONSIDERATION DENIED. MOTION TO REQUIRE APPELLEE TO POST BOND DENIED, BY MOTIONS PANEL. JUDGE:

PLAGER. FILED: 04/15/96. (EOD 04/15/96 BY ETW) 96-1150

January 30, 1996	Amended notice of appeal by defendant, filed. (cs)
February 7, 1996	Revised official caption sent to the parties. (cs)
February 21, 1996	Revised official caption sent to the parties. (sh)

COUNSEL FOR THE APPELLANT

(WELLS ELECTRONICS, INC., Defendant)

JAMES D. HALL
BAKER & DANIELS
205 WEST JEFFERSON BLVD., SUITE 250
SOUTH BEND, IN 46601
(219) 234-4149

1/22/96 (cs)

OF COUNSEL:
Gerard T. Gallagher
(219) 233-1171
David R. Melton
(219) 233-1171
David C. Read
(219) 234-4149
Robert D. Null
(219) 234-4149

COUNSEL FOR THE ~~APPELLEE~~ CROSS-APPELLANT

(WAYNE K. PFAFF, Plaintiff)

Barry L. Grossman
Foley & Lardner
3000 K Street, N.W.
Suite 500
Washington, DC 20007-5109
(202) 672-5300

9/22/97 (av)

OF COUNSEL:
Pamela I. Banner (202) 508-9232
Adriana S. Luedke (202) 508-910[illegible]
Bradley C. Wright (202) 508-919[illegible]

DATE	PROCEEDINGS AND ORDERS
	8. NOTICE OF FILING OF TRIAL TRANSCRIPT WITH THE TRIAL COURT. (MS-03/08/96) RECEIVED: 03/11/96 (EOD 03/11/96) (LP) 96-1150
	WELLS ELECTRONICS, INC. [APPELLANT] – BRIEF FOR APPELLANT, WELLS ELECTRONICS, INC. (MS-03/22/96). FILED: 03/22/96. [960513] (EOD 03/26/96 BY SCOTT) 96-1150
	WAYNE K. PFAFF [CROSS-APPELLANT] – BRIEF OF THE PLAINTIFF/CROSS-APPELLANT WAYNE K. PFAFF (MS-05/01/96). RECEIVED: 05/01/96. REJECTED: 05/02/96. CORRECTED BRIEF DUE: 05/16/96. [960793] (EOD 05/02/96 BY TH) 96-1150

	WAYNE K. PFAFF [CROSS-APPELLANT] – CORRECTED BRIEF OF THE PLAINTIFF/CROSS-APPELLANT WAYNE K. PFAFF (MS-05/16/96). CORRECTED BRIEF RECEIVED: 05/16/96. FILED: 05/01/96. [960793] (EOD 05/17/96 BY AW) 96-1150
	9. CROSS-APPELLANT'S CITATION OF SUPPLEMENTAL AUTHORITY. (MERITS PANEL) (MS-05/17/96) RECEIVED: 05/20/96 (EOD 05/20/96) (LP) 96-1150
	WELLS ELECTRONICS, INC. [APPELLANT] – REPLY BRIEF FOR DEFENDANT-APPELLANT WELLS ELECTRONICS, INC. (MS-06/13/96). FILED: 06/13/96. Rule 33 Notice of Settlement issued. [961164] (EOD 06/17/96 BY FXG) 96-1150
	WAYNE PFAFF [CROSS-APPELLANT] – REPLY BRIEF FOR PLAINTIFF/CROSS-APPELLANT WAYNE K. PFAFF (MS-07/01/96). FILED: 07/01/96. [961297] (EOD 07/02/96 BY AW) 96-1150
	Rule 33 Joint Statement. Filed: 07/10/96. 96-1150
	WELLS ELECTRONICS, INC. [APPELLANT] – APPENDIX (2 VOLUMES) (MS-07/11/96). FILED: 07/11/96. [961374] (EOD 07/12/96 BY SPP) 96-1150

July 30, 1996

10. NOTICE OF CALENDARING issued. PANEL 9610f on October 8, 1996.

96-1150 (df)

11. Appellant – UNOPPOSED MOTION FOR LEAVE TO SUPPLEMENT APPENDIX (MS-10/01/96) FILED: 10/02/96 ON CONSENT. ACTION ON MOTION (11): GRANTED. BY MERITS PANEL FILED: 10/07/95. (EOD 10/07/96 BY KSH) 96-1150

October 8, 1996

Submitted after ORAL ARGUMENT by James D. Hall and Barry L. Grossman.

96-1150 (PAM)

(ARCHER, PLAGER and SCHALL)

12. CROSS-APPELLANT'S CITATION OF SUPPLEMENTAL AUTHORITY. (SENT TO PANEL) (MS-10/25/96) RECEIVED: 10/25/96 (EOD 10/28/96) (LP) 96-1150

13. APPELLANT'S RESPONSE TO APPELLEE'S CITATION OF SUPPLEMENTAL AUTHORITY. (SENT TO PANEL) (MS-10/31/96) RECEIVED: 11/01/96 (EOD 11/01/96) (LP) 96-1150

14. CROSS-APPELLANT'S CITATION OF SUPPLEMENTAL AUTHORITY. (SENT TO PANEL) (MS-01/07/97) RECEIVED: 01/10/97 (EOD 01/10/97) (LP) 96-1150

15. APPELLANT'S RESPONSE TO APPELLEE'S CITATION OF SUPPLEMENTAL AUTHORITY. (SENT TO PANEL) (MS-01/15/97) RECEIVED: 01/23/97 (EOD 01/23/97) (LP) 96-1150

16. CROSS-APPELLANT'S CITATION OF SUPPLEMENTAL AUTHORITY. (SENT TO PANEL) (MS-05/13/97) RECEIVED: 05/14/97 (EOD 05/14/97) (LP) 96-1150

AFFIRMED-IN-PART AND REVERSED-IN-PART, PRECEDENTIAL OPINION BY: C.J. ARCHER, JUDGMENT ENTERED: 09/08/97. NO COSTS. OPINION SENT TO PARTIES: 09/08/97. (EOD 09/08/97 BY KSH) 96-1150

CROSS APPELLANT – PETITION FOR REHEARING (MS-09/22/97) FILED: 09/22/97 PETITION CIRCULATED: 09/23/97 PETITION: DENIED ON 10/03/97. (EOD 10/03/97 BY AV) 96-1150

MANDATE ISSUED TO THE DCT: 10/10/97. (EOD 10/10/97 BY MKC) 96-1150

PETITION FOR WRIT OF CERTIORARI FILED 01/05/98, SUPREME COURT #: 97-1130. (EOD 01/14/98 BY JW) 96-1150

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WAYNE K. PFAFF,	§	
	§	CIVIL ACTION NO.
Plaintiff,	§	3:91CV1542-H
	§	
v.	§	
	§	(Filed Aug. 1, 1991)
WELLS ELECTRONICS, INC.,	§	
	§	
Defendant.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff complains of Defendant and for cause of action alleges:

1. This is a suit arising under the Patent Laws of the United States and this Court has jurisdiction under United States Code, Title 28, Section 1338.

2. Plaintiff, Wayne K. Pfaff, is an individual residing at 309 Steeplechase, Irving, Texas 75062.

3. Defendant, Wells Electronics, Inc., is a corporation organized and existing by virtue of the laws of the State of Indiana and is doing business in the Northern District of Texas. Service may be had on Defendant by service on its registered agent, Arthur R. Midili, at 1701 So. Main, South Bend, Indiana 46613.

4. On January 1, 1985, United States Letters Patent No. 4,491,377 were duly and legally issued to Wayne K. Pfaff for Mounting Housing for Leadless Chip Carrier. A true and correct copy of said Letters Patent is attached hereto and marked "Exhibit A".

5. Plaintiff is the sole and exclusive owner of all right, title and interest in and to said United States Letters Patent No. 4,491,377 and has held sole and exclusive right and title thereto at all times material to this cause.

6. Since the issuance of United States Letters Patent No. 4,491,377 and within the six years last past, Defendant, without the consent of Plaintiff and with full knowledge of said Letters Patent and of Plaintiff's rights thereunder, has and still is willfully, wantonly and deliberately infringing said United States Letters Patent No. 4,491,377 by making and selling mounting housings for leadless chip carriers which embody and employ the inventions defined by the claims in United States Letters Patent No. 4,491,377 and will continue to do so unless enjoined by this Court.

7. Prior to the filing of this Complaint, Defendant was given notice of its acts of infringement but, notwithstanding such notice, Defendant has nevertheless infringed, is continuing to infringe and threatens to continue infringing said United States Letters Patent No. 4,491,377.

8. Plaintiff has been damaged by Defendant's willful infringement of said United States Letters Patent No. 4,491,377 but is unable to state at this time the amount of damages sustained; and Plaintiff will be further irreparably damaged by Defendant's infringement unless such infringement is enjoined by this Court.

WHEREFORE, Plaintiff prays

(a) That an injunction be entered by this Court enjoining Defendant, its officers, agents, servants,

employees and attorneys, and those in active concert, participation or privity with them, from directly or indirectly making or causing to be made and selling or causing to be sold any apparatus or device which embodies and/or employs the inventions defined by the claims in United States Letters Patent 4,491,377;

(b) That Plaintiff be awarded judgment against Defendant for damages for said infringement and, because of the willful, wanton and deliberate nature of said infringement, that the damages be compounded up to three time the amount found;

(c) That Defendant be ordered to pay the costs of this action and Plaintiff's attorney fees; and

(d) That Plaintiff be granted such other and further relief as the circumstances of the case may require and to this Court seem proper and just.

WAYNE K. PFAFF

by /s/ Jack A. Kanz
Jack A. Kanz
State Bar. No. 11094000
RICHARDS, MEDLOCK
& ANDREWS
4500 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270-2197
(214) 939-4513

ATTORNEYS FOR PLAINTIFF

August 1, 1991

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WAYNE K. PFAFF, Plaintiff, v. WELLS ELECTRONICS, INC., Defendant.	Civil Action No. 3:91CV1542-H (Filed Sep. 24, 1991)

DEFENDANT'S ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT

Defendant, Wells Electronics, Inc., hereby answer Plaintiff's original complaint as follows:

1. Defendant admits the allegations of Paragraph 1 of the Plaintiff's original complaint.

2. The Defendant is without sufficient information or knowledge to form a belief with respect to the allegation of Paragraph 2 of the Plaintiff's original complaint, and, therefore, denies such allegations.

3. The Defendant admits the allegations of Paragraph 3 of the Plaintiff's original complaint.

4. The Defendant admits that US Patent 4,491,377 was issued to the Plaintiff but denies that said patent was duly and legally issued as alleged in Paragraph 4 of the Plaintiff's original complaint.

5. The Defendant is without sufficient information or knowledge to form a belief with respect to the allegations of Paragraph 5 of the Plaintiff's original complaint, and, therefore, denies such allegations.

6. The Defendant denies the allegations of Paragraph 6 of the Plaintiff's original complaint.

7. The Defendant denies the allegations of Paragraph 7 of the Plaintiff's original complaint.

8. The Defendant denies the allegations of Paragraph 8 of the Plaintiff's original complaint.

COUNTERCLAIM FOR PATENT INVALIDITY AND NON-INFRINGEMENT

9. This counterclaim is brought under 28 U.S.C. Sections 2201 and 2202 and the Patent Laws of the United States, entitled 35 U.S.C. Sections 1 et seq., for declaratory judgment with respect to the invalidity of U.S. Patent No. 4,491,377, the patent in suite, and Plaintiff's allegations of infringement thereof by Defendant.

10. Plaintiff, in his complaint, has alleged that he is the owner of the patent in suit and has brought this action for infringement thereof against Defendant.

11. U.S. Patent No. 4,491,377 is invalid, void and unenforceable for failure to comply with the statutory requirement of 35 U.S.C. Sections 102 and 103.

WHEREFORE, Defendant prays:

A. That this Court declare U.S. Patent No. 4,491,377 invalid and void and not infringed by any action of the Defendant.

B. That this Court enjoin the Plaintiff and those in privity with him from charging infringement hereof against the Defendant, its distributors of Defendant's device herein charged with infringement or anyone in privity with the Defendant.

C. That the Defendant be awarded its costs and expenses.

D. That the Defendant be awarded reasonable attorney fees.

E. That the Defendant be awarded such other and further relief as this Court may deem just and equitable.

F. That Plaintiff's complaint be dismissed.

Respectfully submitted,

/s/ Richard L. Schwartz
Richard L. Schwartz –
Texas Bar No. 17869500
Glaser, Griggs & Schwartz
Three Lincoln Centre
5430 LBJ Freeway, Suite 1540
Dallas, Texas 75240
(214) 770-2400

and

/s/ James D. Hall
James D. Hall
Oitsch, Knoblock & Hall, P.C.
Post Office Box 420
South Bend, Indiana 46624
(219) 234-6091

Date: 9/20/91

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of this paper was sent by First Class Mail this 20th day of Sept., 1991. postage prepaid, to the last known address of the attorney(s) of record for each of the parties to this action.

/s/ Richard L. Schwartz

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WAYNE K. PFAFF, *Plaintiff,*	§	Civil Action No. 3-91-CV-1542-H
v.	§	
WELLS ELECTRONICS, INC., *Defendant.*	§	(Filed Mar. 2, 1995)

ORDER REINSTATING COUNTERCLAIM AND ENTERING AMENDED ANSWER

Upon motion of the Defendant, and after review of the pleadings, evidence, argument of counsel, Joint Motion for Consideration of Stipulated Evidence admitting evidence from the Indiana Case relating to validity, and correspondence by the Special Master to counsel dated April 30, 1994 and November 4, 1994 listing validity issues, including 35 U.S.C. §112, to be included in the finding in this case

(i) the Defendant's counterclaim regarding patent invalidity and non-infringement filed with its Answer is hereby ordered reinstated; and

(ii) the Defendant's Amended Answer to Plaintiff's Original Answer containing paragraphs 12 and 13 relating to defenses of invalidity under 35 U.S.C. §112 is hereby ordered entered.

Date: March 2, 1995 /s/ Edward G. Fiorito
Edward G. Fiorito

Texas Bar No. 07038600
6925 Spanky Branch Drive
Dallas, Texas 75248-1527
214-380-1070

SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WAYNE K. PFAFF, Plaintiff, v. WELLS ELECTRONICS, INC., Defendant.	Civil Action No. 3-91-CV-1542-H

DEFENDANT'S AMENDED ANSWER TO PLAINTIFF'S ORIGINAL COMPLAINT

Defendant, Wells Electronics, Inc., hereby answers Plaintiff's original complaint as follows:

1. Defendant admits the allegations of Paragraph 1 of the Plaintiff's original complaint.

2. The Defendant is without sufficient information or knowledge to form a belief with respect to the allegation of Paragraph 2 of the Plaintiff's original complaint, and, therefore, denies such allegations.

3. The Defendant admits the allegations of Paragraph 3 of the Plaintiff's original complaint.

4. The Defendant admits that U.S. Patent No. 4,491,377 was issued to the Plaintiff but denies that said patent was duly and legally issued as alleged in Paragraph 4 of the Plaintiff's original complaint.

5. The Defendant is without sufficient information or knowledge to form a belief with respect to the allegations of Paragraph 5 of the Plaintiff's original complaint, and, therefore, denies such allegations.

6. The Defendant denies the allegations of Paragraph 6 of the Plaintiff's original complaint.

7. The Defendant denies the allegations of Paragraph 7 of the Plaintiff's original complaint.

8. The Defendant denies the allegations of Paragraph 8 of the Plaintiff's original complaint.

COUNTERCLAIM FOR PATENT INVALIDITY AND NON-INFRINGEMENT

9. This counterclaim is brought under 28 U.S.C. Sections 2201 and 2202 and the Patent Laws of the United States, entitled 35 U.S.C. Sections 1 et seq., for declaratory judgment with respect to the invalidity of U.S. Patent No. 4,491,377, the patent in suit, and Plaintiff's allegations of infringement thereof by Defendant.

10. Plaintiff, in his complaint, has alleged that he is the owner of the patent in suit and has brought this action for infringement thereof against Defendant.

11. U.S. Patent No. 4,491,377 is invalid, void and unenforceable for failure to comply with the statutory requirement of 35 U.S.C. Sections 102 and 103.

12. Claims 1 and 15 of U.S. Patent No. 4,491,337 [sic] are invalid under 35 U.S.C. Section 112 by failing to particularly point out the subject matter which the applicant regards as his invention.

13. Claims 7, 19, and 20 of U.S. Patent No. 4,491,337 [sic] are invalid under 35 U.S.C. Section 112 by failing to distinctly claim the subject matter which the applicant regards as his invention.

WHEREFORE, Defendant prays:

A. That this Court declare U.S. Patent No. 4,491,377 invalid and void and not infringed by any action of the Defendant.

B. That this Court enjoin the Plaintiff and those in privity with him from charging infringement hereof against the Defendant, its distributors of Defendant's device herein charged with infringement or anyone in privity with the Defendant.

C. That the Defendant be awarded its costs and expenses.

D. That the Defendant be awarded reasonable attorney fees.

E. That the Defendant be awarded such other and further relief as this Court may deem just and equitable.

F. That the Plaintiff's complaint be dismissed.

Date: _____ Respectfully submitted,

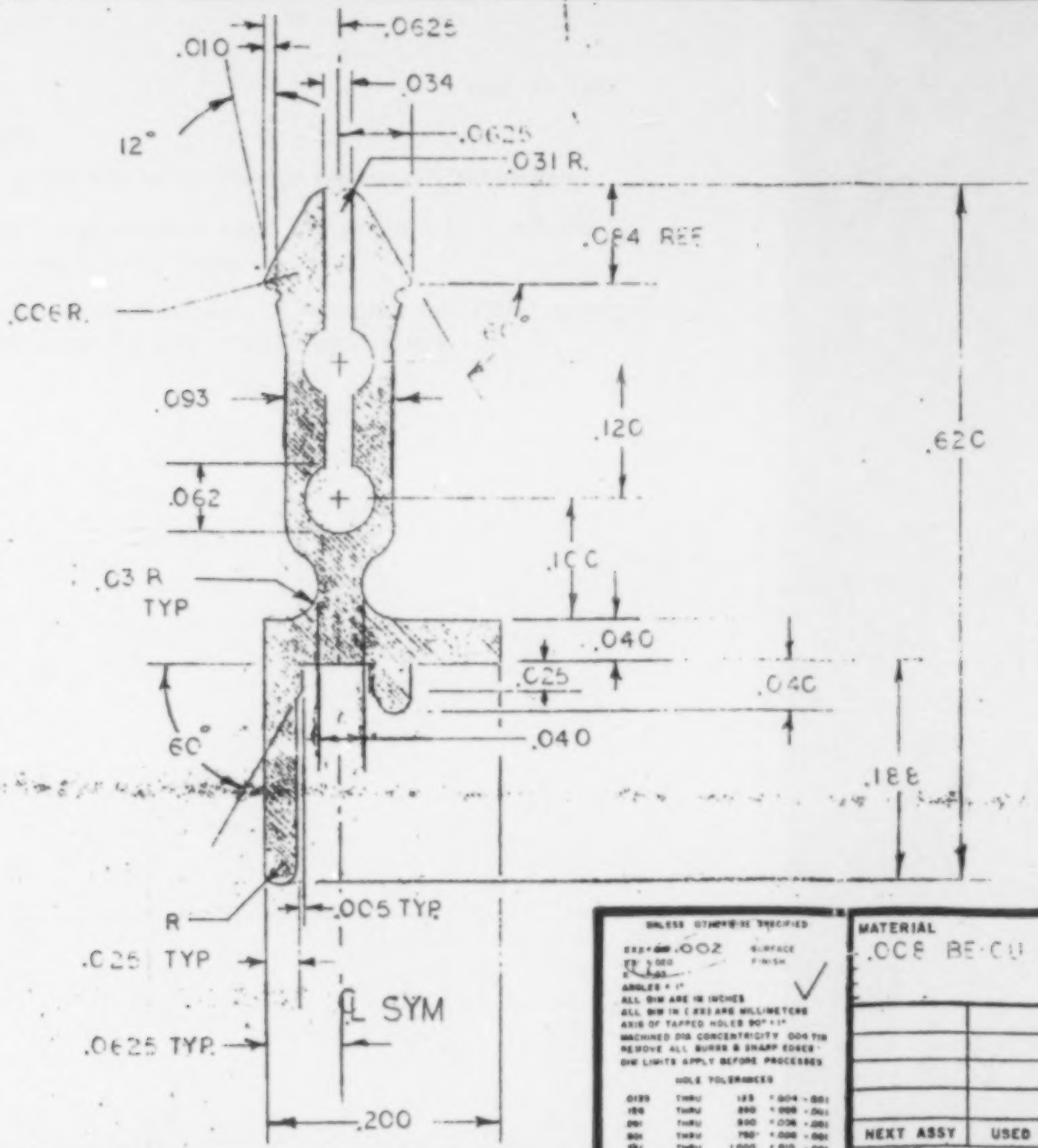
_____

James D. Hall
BAKER & DANIELS
205 West Jefferson Blvd, Suite 250
South Bend, Indiana 46601
(219) 234-4149

Richard L. Schwartz
AKIN, GUMP, STRAUSS, HAUER
& FELD, L.L.P.
1700 Pacific Avenue, Suite 4100
Dallas, Texas 75201-4618
Attorneys for Defendanat [sic]

NOTES

REVISIONS					
LTR	ECN	DESCRIPTION	DATE	DWN	APVD



(FLAT WITHIN .003)

DEFENDANT'S EXHIBIT BD

4278

FEB 25 1981

UNLESS OTHERWISE SPECIFIED
.XXX ± .002 SURFACE FINISH
.XX ± .020
.X ± .03
ANGLES ± 1°
ALL DIM ARE IN INCHES
ALL DIM IN (XX) ARE MILLIMETERS
AXIS OF TAPPED HOLES 90° ± 1°
MACHINED DIA CONCENTRICITY .004 TIR
REMOVE ALL BURRS & SHARP EDGES
DIM LIMITS APPLY BEFORE PROCESSES

HOLE TOLERANCES

0135	THRU	125	+.004 -.001
126	THRU	250	+.005 -.001
251	THRU	500	+.006 -.001
501	THRU	750	+.008 -.001
751	THRU	1.000	+.010 -.001
1.001	THRU	2.000	+.012 -.001

MATERIAL .006 BE-CU 25		PROCESSES HT. FULL TEMPER SYLER .0001			
				DWN	DATE
				CHK	
				ENGR	
NEXT ASSY	USED ON	-1	-2	APVD	
APPLICATION		QTY		SCALE 10X	

PLASTRONICS DALLAS, TEXAS U.S.A.

TITLE CONTACT - CHIP CARRIER - DUAL POSITION

SIZE	COD ID NO	DWG NO	REV	SH
B		P2002	—	1/1

BEST AVAILABLE COPY

FEB. 25, 1981

Dieter

1st order will be for 500,000 springs (25,000 sockets)

Need preproduction parts to customer in 4 months – involves 3 cavity mold.

Please advise feasibility of stamping this P2002 spring extra dwgs for you to make up & return.

Wayne

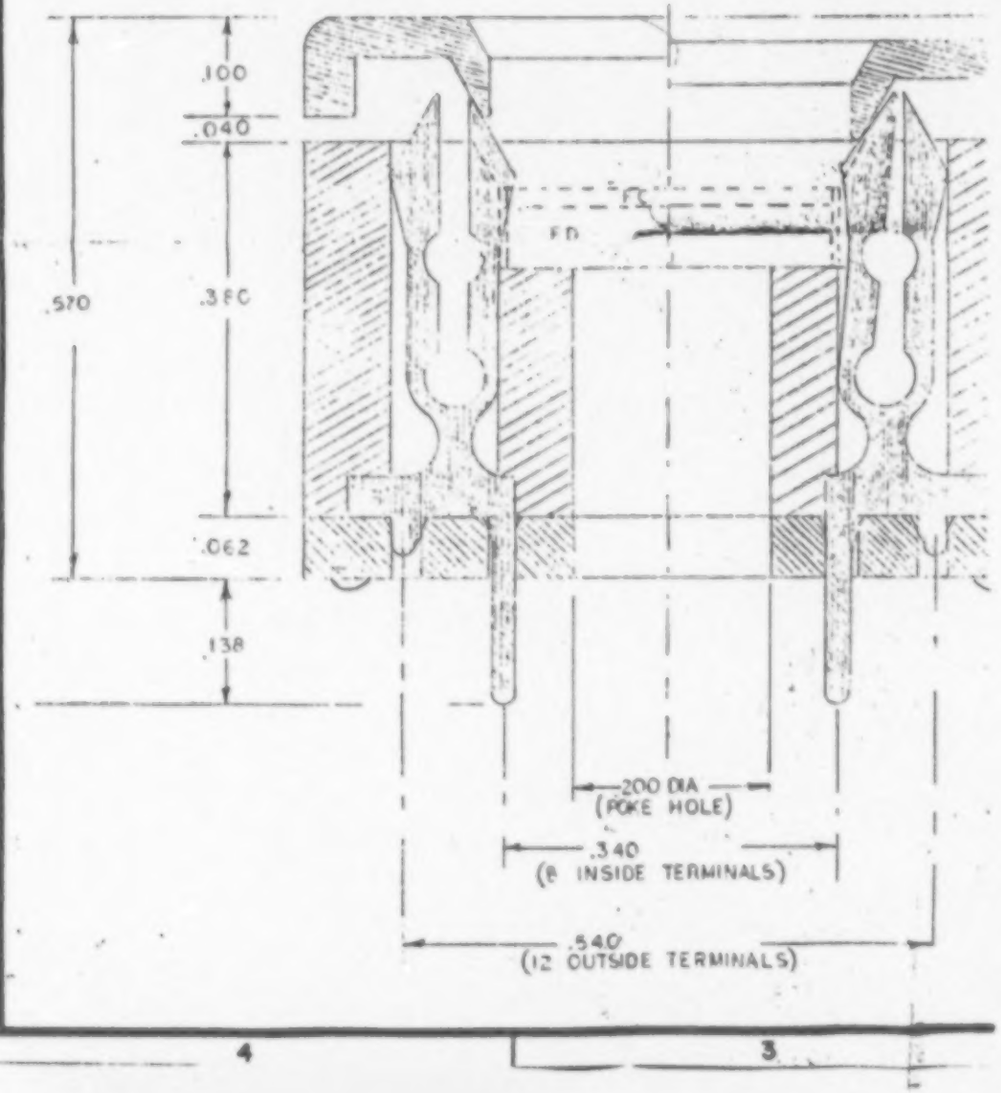
NOTES

PLASTRONICS

1016 DAVANDAN
IRVING, TEXAS 75062

WAYNE PFAFF (214) 580-1000

REVISIONS						
LTR	ECN	ZONE	DESCRIPTION	DATE	DWN	APVD



TOP CAP DEPRESSION (11 POUNDS)

.028

.750
SQUARE

ACTUAL SIZE

DEFENDANT'S EXHIBIT BHA

Wayne Pfaff 5-10-91

MATERIAL	PROCESSES			
		DWN	DATE	
		CHK		
		ENGR		
NEXT ASSY	USED ON	APVD		
APPLICATION		QTY	SCALE	

PLASTRONICS DALLAS, TEXAS U.S.A.

TITLE
SOCKET CHIP CARRIER
ZIF OR PUSH FIT

SIZE	CODE IDENT NO	DWG NO	REV
C		P2020	

SHEET

BEST AVAILABLE COPY

DELTA V IESTRUMENTS
1400 S. SHERMAN, SUITE 112
RICHARDSON, TEXAS 75081
(214) 644-6501

PURCHASE ORDER

ORDER NO.
CC - 9405

DEFENDANT'S EXHIBIT BZ

TO PLASTRONICS
Attn: Wayne Pfaff
ADDRESS 1316 Savannah
CITY Irving, Texas 75062

SHIP TO
ADDRESS
CITY

REQ. NO.	FOR	DATE REQUIRED	TERMS	HOW SHIP	DATE
	T. I. Sherman	see del. sch.	Net 30		3-31-81

	QUANTITY ORDERED	RECEIVED	PLEASE SUPPLY ITEMS LISTED BELOW	PRICE	UNIT
1			CONFIRMATION OF ORDER PLACED VERBALLY 3-17-81		
2	ITEM #	QUANTITY			
3	1.	20,000	Chip Carrier Sockets for 20 Pin	2.00	each
4			.350" square package		
5	2.	2,400	Chip Carrier Sockets for 28 Pin	5.83	each
6			.450" square package		
7	3.	3,900	Chip Carrier Sockets for 28 Pin	4.55	each
8			.350" x .550" rectangular package		
9	4.	3,300	Chip Carrier Sockets for 32 Pin	5.11	each
10			.450" x .550" rectangular package		
11					
12			All sockets to be similar to Plastronics Irvin;		
13			No. P2020. Body material to be Ryton. Contacts		
14			to be BeCu, Ni-Bo plating. Socket and contact		
15			materials to be capable of at least 175° C.		
16			All sockets are being purchased with the understanding		
17			that said sockets will meet the engineering criteria		
18			of T.I. applications or be returnable for full refund		
19			with no liability whatsoever		
20			DELIVERY: Item 1. - 14-16 wks from 3-17-81		
21			Items 2,3,4 - 16-20 wks from 3-17-81		
22					

DISPOSITION OF MATERIAL	Receiving Clerk
	PURCHASING AGENT

1H 147 Rediform

RECEIVING DEPT. COPY

60

[Pfaff v. Wells Elecs.] U.S. Dist. Ct. N.D. Tex.

[Excerpts from Deposition of Wayne K. Pfaff]

* * *

[p. 3] (Whereupon, the witness was duly sworn.)

WAYNE K. PFAFF, the Plaintiff, called as a witness by the Defendant, pursuant to notice and Protective Order, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. HALL:

Q. Would the witness please state his full name?

A. Wayne K. Pfaff.

Q. Where do you live, Mr. Pfaff?

A. 309 Steeple Chase, Irving, Texas, 75062.

Q. Mr. Pfaff, have you given a deposition or testimony before in any litigation?

A. No, sir. I have not.

Q. All right. I am sure that your able attorney has explained, but let me just give you the litany again.

This is a discovery deposition, although I must caution you that since you are the Plaintiff in this case – and therefore a party to this deposition it may be used as direct evidence – unlike the employees.

I will be asking you questions and my purpose is not to mislead you or confuse you; if you

* * *

[p. 5] DIVISION PFAFF v. WELLS ELECTRONICS, CIVIL ACTION NO. S86-00449 NOTICE OF DEPOSITION . . . ," consisting of one copied page, was marked as Defendant's (Pfaff) Deposition Exhibit No. 1, for identification, as of 1-30-87.)

(Whereupon, a document under title of "United States Patent Patent Number: 4,491,377 Date of Patent: Jan. 1, 1985 MOUNTING HOUSING FOR LEADLESS CHIP CARRIER . . . ," consisting of nine hand numbered pages was marked as Defendant's (Pfaff) Deposition Exhibit No. 2, for identification, as of 1-30-87.)

BY MR. HALL: (Continuing)

Q. Mr. Pfaff, I show you what has been marked as Deposition Exhibit No. 2.

A. (Indicating as directed.)

Q. And I ask you if you recognize it?

A. (Indicating as directed.)

THE WITNESS: A. Sure do.

Q. And what is it, please?

A. It is a patent on a LOCKNEST socket which is a tradename for an integrated circuit burn-in socket [p. 6] or surface-mount device.

Q. That is U.S. Patent No. 4,491,377, the patent-in-suit, is it not?

A. I believe it is, yes.

Q. In other words, the subject matter of this suit?

A. Sure.

Q. And on this patent it states:

"Inventor: Wayne K. Pfaff."

Are you the inventor of this patent?

A. I am the inventor.

Q. I notice at that time it has "1316 Savannah Street"?

A. I moved.

Q. You moved?

A. Yes. Closer to the golf course.

Q. Mr. Pfaff, if you would, just give us a summary of your employment history and let us first start that by your educational background and then we will move into when you first began full employment after your education, at least after your formal education ceased.

Okay?

A. Okay.

I have a degree in Industrial Management, BBA, at TCU, 1965

* * *

[p. 11] responsibilities of manufacturing the proprietary product line for him, as well as doing custom molding and custom contacts for burn-in.

And in 1976 I bought my stock out of the company and reconfigured it into what it is today, which is a

company dedicated to automated insertion equipment and burn-in sockets.

Q. In 1978, when you bought your stock – presumably from your partner that you merged with –

I presume that's what you did?

A. Yes.

I reacquired full rights to the corporation.

Q. Now you have sole ownership?

A. Yes.

Q. Do you have sole ownership at the present time?

A. I have. I have.

Q. In 1978, what was your employee status?

How many employees did you have then?

One? Yourself?

A. Back to "ground zero." You got it.

Q. Now in let's say 1980, what was your employee status at that time?

A. One.

Q. One?

A. Right.

[p. 12] Q. Did you have equipment in your company?

A. No.

Q. You had no molding machinery or anything of that nature?

A. No. Totally nonmanufacturing. At that particular point in time I was designing and selling a product called the "twister" which was a machine for loading integrated circuits into burn-in boards.

Q. You designed the machine?

A. I designed it, manufactured and resold it.

Q. Yes.

A. Which kind of is a nice story. It sold a million-four in the first year in dollars as a proprietorship, and I turned around in '80 and I sold it for three-quarters of a million dollars, sold the product line.

Q. Sold that product line?

A. Sold that product line.

Q. In 1980?

A. Right.

Q. In 1980 – at this time – and perhaps I have asked you this – how many employees?

Still the one?

A. One.

Actually two – my wife is taking care of the financial end of it. She always has.

[p. 13] So affectively there is two employees.

Q. Sort of the bookkeeper, that sort of thing?

A. Yes.

Q. And keeps you in harness?

A. Yes.

Q. Puts the choke collar around you?

A. She is a better money manager than I am.

Q. And she stays off the golf course?

A. That's right.

Q. In 1981 – how many employees did you have then?

A. One.

Pardon me. Two.

Q. Two?

A. My wife and I.

Q. Now she is an official employee?

A. Yes. She is an official employee, right.

Q. And how many employees do we have now?

A. Six.

Q. Six?

A. Yes.

Q. Well, how did we get to the six now from 1981 to the present, 1987?

A. We hired them.

Q. When did "we" hire the first one?

A. 1983. September of '83.

[p. 14] Q. And what was that person's position?

A. A "girl friday."

Q. Secretary type?

A. Secretary, right.

Q. Right.

A. Order entry, customer service, purchasing, girl friday.

Q. She would take the orders.

Were you essentially running – still the show – so to speak, in 1983?

A. Yes.

Q. At that time you estimated – do you have any machinery at present?

A. No.

Q. I take it then you farm out – as I would call it your manufacturing?

A. That's right. We use subcontractors for manufacturing, including assembly.

Q. Yes. Do you have a drafting board and that sort of thing?

A. Oh, yes. That's where the designs come from.

Q. You worked from that type of thing?

A. Right.

Q. And now we have – we now have three employees?

A. Right.

[p. 15] Q. And we have three more to go?

A. That's right.

Q. When did the fourth one make his or her presence known?

A. Draftsman, '84.

Q. What is his name?

A. Bruce Maston.

Q. Where does Mr. Maston reside?

A. I don't know. He's no longer with the company.

Q. How long was he employed?

A. About a year.

Q. As a draftsman?

A. As a draftsman, right.

Q. Now we had a fifth employee and when was he or she hired?

A. I think it was Dorwood Lewter, a designer, '85.

Q. Is he still employed with you?

A. Yes.

Q. Okay. And his position?

A. Designer.

Q. Designer.

Would you explain what –

A. (Interrupting) Mechanical products – jigs, fixtures, automated loading machinery, this sort of thing.

[p. 16] Q. He works over the drafting board, too, I take it?

A. Yes.

Q. Was he hired to replace Mr. Maston?

A. Maston (pronunciation).

Yes, he was. Yes, he was.

Q. So now we are back still to four employees?

A. That's right.

Q. Now let's go to the fifth.

A. Okay. A little financial girl. Accounting.

Q. Accounting?

A. Sandra Waytt.

Q. And when was she hired?

A. 1985.

Q. 1985?

A. Right.

Q. And we have one more to go.

A. It's Steve Durett. Who is the Automation Engineer.

Q. When was he hired?

A. 1987.

Q. He is fresh?

A. There's another, Marc Abalanet who was hired in 1986, who was a graphic artist and currently is doing design work. One more. Seven now.

Q. Seven now?

[p. 17] A. Yes.

Q. And the graphic design work – what type of artwork does he do?

A. This is catalogs, brochures, advertising type things.

Q. In other words, you do your own designing for that instead of farming it out to an advertising firm?

A. Yes. Yes.

Q. Is he a full time employee?

A. Full time employee.

Q. And then in 1987 "we" hired that other individual?

A. Steve Durett who is the automation products.

Q. That makes a total of seven employees now?

A. Right.

Q. In Answer to one of your Interrogatories that you answered there was a company identified as "Plastronics Socket Company, Inc."?

A. Mm-mm.

Q. What is the relationship of this company to Plastronics Company we are referring generally to here?

A. It is licensed to market the product from Plastronics, interconnection which is another corporation I own on a royalty basis.

Q. Let's just go through that a moment.

If we may, we start with you as the inventor?

* * *

[p. 53] A. By a supplier.

Q. By a supplier?

A. Delta V.

He placed an order and said "Build me some boards with those sockets."

And Delta V placed the order with me.

Q. The supplier?

A. That's right.

Q. Is this a Texas Instrument supplier?

A. They are a burn-in board manufacturer.

Q. When did the supplier place the order with you?

A. Virtually the same time frame.

Q. Did he do it orally or in writing?

A. No. I had a written purchase order.

Q. Is that purchase order still around?

A. I've looked for it and I can't find it.

Q. About when was that that that purchase order issued?

A. The same time frame.

Q. 1980?

A. November or so. That's right. October, November.

Q. We could put it before Christmas?

A. We could put it before Christmas, yes.

Q. From whom do you recollect did you get the purchase order?

[p. 54] A. A company called Delta V.

Q. But any particular individual from that company?

A. Jim Mangrom (sic).

Q. Jim Mangrom.

Does he still work for Delta V?

A. He owns the company. He still works for them.

Q. Now you have a purchase order for approximately how many?

A. Thirty-five thousand exactly.

Q. Thirty-five thousand at so much a pin?

A. That's right.

Q. And what did you say that was?

A. Ten cents a pin, roughly.

Q. Ten cents a pin, roughly, to the best of your recollection?

A. Yes.

Q. Then what did you do?

A. Then I sat down and designed the product.

Q. At your board at your plant?

A. That's right. Over my garage at home.

Q. Yes.

Was that on Savannah Street?

A. At the Savannah address.

Q. That address that we have on your patent?

A. That's correct.

[p. 55] I designed the product and sent it to a supplier for price quotes, purchased tooling, and then we started to build the product.

Q. Let's get the design.

About how long did it take you to get your drawing? In short order?

A. Oh, I imagine about a week.

Q. About a week?

A. I had some difficulty with their particular form-factor.

Q. Yes.

A. I wasn't comfortable with it.

Q. And you changed the factor a little bit?

A. Yes. I changed it to where it looked like LOCK-NEST does today (indicating).

Q. From what you had here (indicating)?

A. That's right.

Q. But the principle was the same?

A. That's right. Normally-closed contactor.

Q. And you completed your drawings – what type of drawings were these, by the way?

A. Engineering drawings.

Q. Engineering drawings?

A. Yes.

Q. About one week?

[p. 56] A. I'd say about a week.

Q. That would have been prior to Christmas?

A. That would have been prior to Christmas.

Q. Are these drawings available? Are they around someplace?

A. I would imagine they are somewhere.

Q. Because I requested some developmental drawings but –

A. (Interrupting) Okay.

Q. (Continuing) – but the ones I got – and we will discuss these in just a minute – apparently are from your molder and are dated 3-31-81?

A. All right.

Q. But there were others earlier than this?

A. Oh, yes. I'm sure there were. My original drawings on the thing.

Q. Which were engineering drawings, and you blueprinted your copy and then whom did you send those to?

A. My manufacturer, Weiss-Aug Stamping Company, yes.

Q. And they would make what? The contacts?

A. The contact spring.

Q. Who would handle the parts with respect to the base and the top?

A. It was a company called Plastomatic in New Jersey.

[p. 57] Q. Did you send prints to them, too?

A. No. I sent everything to Weiss-Aug. They wanted to turn-key the product for me.

Q. I see.

A. Stamp the stamp, buy the mold, and assemble them.

Q. And this was still prior to Christmastime in 1980, to the best of your recollection?

A. I think it was, as far as the transaction.

Q. Yes.

A. It may have gone into '81. I'm not sure.

Q. But the first of the year?

A. Yes. That time frame.

Q. Now, at this time did we have any prototypes developed or anything of that nature, working embodiment?

A. No.

Q. It was in a drawing.

Is that correct?

A. Strictly in a drawing. Went from the drawing to the hard tooling. That's the way I do my business.

Q. "Boom-boom"?

A. You got it.

Q. You are satisfied, obviously, when you come up with some drawings that it is going to go – "it works"?

[p. 58] A. I know what I'm doing, yes, most of the time.

Q. All right. Except for – when was that?

A. The "boo-boo."

Q. Yes.

A. It functions.

Q. Okay.

When you finished your drawings in late 1980 or very early 1981, it was a going – it was a "go"?

A. A "go" situation.

Q. You were satisfied that it worked?

Did you, by the way, show these drawings to Mr. Wilson over at Texas Instruments?

(Whereupon, there was a pause in the proceedings.)

THE WITNESS: I honestly can't remember whether I did or not. I know I changed the design.

And my responsibility was to make it work. I really don't think I showed them to him because basically what I was doing was that, and he was satisfied with that.

Q. Yes. He was satisfied with your sketch?

A. Yes.

[p. 59] Q. And –

A. (Interrupting) He said "It looks good."

Q. You had a good enough working relationship that you had a "deal"?

A. Oh, yeah.

Q. Did you receive any money?

A. No.

Q. Up to this time?

A. No.

Q. No money exchanged; just the purchase order?

A. Just the purchase order. There was no money for tooling, no funding. Strictly "sell the product."

Q. Now, what happened after you sent these to the stamper?

What was the next event that occurred in the development?

A. He manufactured it, the tooling for the component. We got the prototype parts and made a few fine-tuning adjustments on it and we had product.

Q. Did he give you a sample then?

A. Oh, sure.

Q. About when?

A. For approval.

Q. About when did you. receive the sample? Do you know?

* * *

[p. 66] Q. It was the first order?

A. Yes.

Q. And how do we know that?

A. Well, the contract is for $30,000.

Okay?

Q. Yes. That is the figure I think you mentioned.

A. Yes.

Q. Okay. Let me show you what has been marked as Defendant's Exhibit 8 which is a drawing.

A. Okay.

Q. Do you recognize that drawing?

A. Sure do.

Q. That is by whom?

A. By Weiss-Aug Company. It took my drawings and we drew them.

Q. "We" drew them?

A. For their own personal benefit.

Q. It bears a date of 3-31-81. Correct?

A. Sure does.

Q. That would have meant, therefore, that your initial order – that you got from Gary Wilson – would have been prior to 3-31-81?

A. It would have been prior.

Q. Is that true?

A. Sure would have.

[p. 67] Q. Perhaps several weeks. Is that true?

A. I would imagine several weeks, certainly.

Q. So it may, indeed, may have been an initial order of perhaps November of 1980?

A. It could have been.

Jack?

MR. KANZ: (No audible response.)

THE WITNESS: This stuff had to happen.

BY MR. HALL: (Continuing)

Q. I have a couple more things.

We will mark three more drawings here if we could as exhibits and I think we can mark them separately, please.

(Whereupon, a drawing under title of "WEISS-AUG CO., INC. TITLE: BODY-SOCKET CHIP CARRIER DATE: Illegible . . . ," consisting of one copied page, was marked as Defendant's (Pfaff) Deposition Exhibit No. 9, for identification, as of 1-30-87.)

(Whereupon, a drawing under title of "WEISS-AUG CO., INC. TITLE: CAP-SOCKET CHIP CARRIER DATE: 3-31-81 . . . ," consisting of one copied page, was marked as

* * *

[p. 71] A. And at a particular point in time we made a new product and they "royally screwed it up."

At that point in time they said "Wayne must approve all drawings that we make internally."

So they sent me all the drawings for approval.

Okay?

Q. Let's go back now.

In other words, the product was sent in '81 to Delta V and "it don't work"?

A. It worked.

Q. It worked?

A. It worked.

Q. Was it used by Texas Instruments?

A. It was used.

Q. Yes. What was the difficulty?

A. There is no difficulty with these.

Q. I see.

A. It was about a year later when they were designing additional products. In other words, they wanted to also control the drawings.

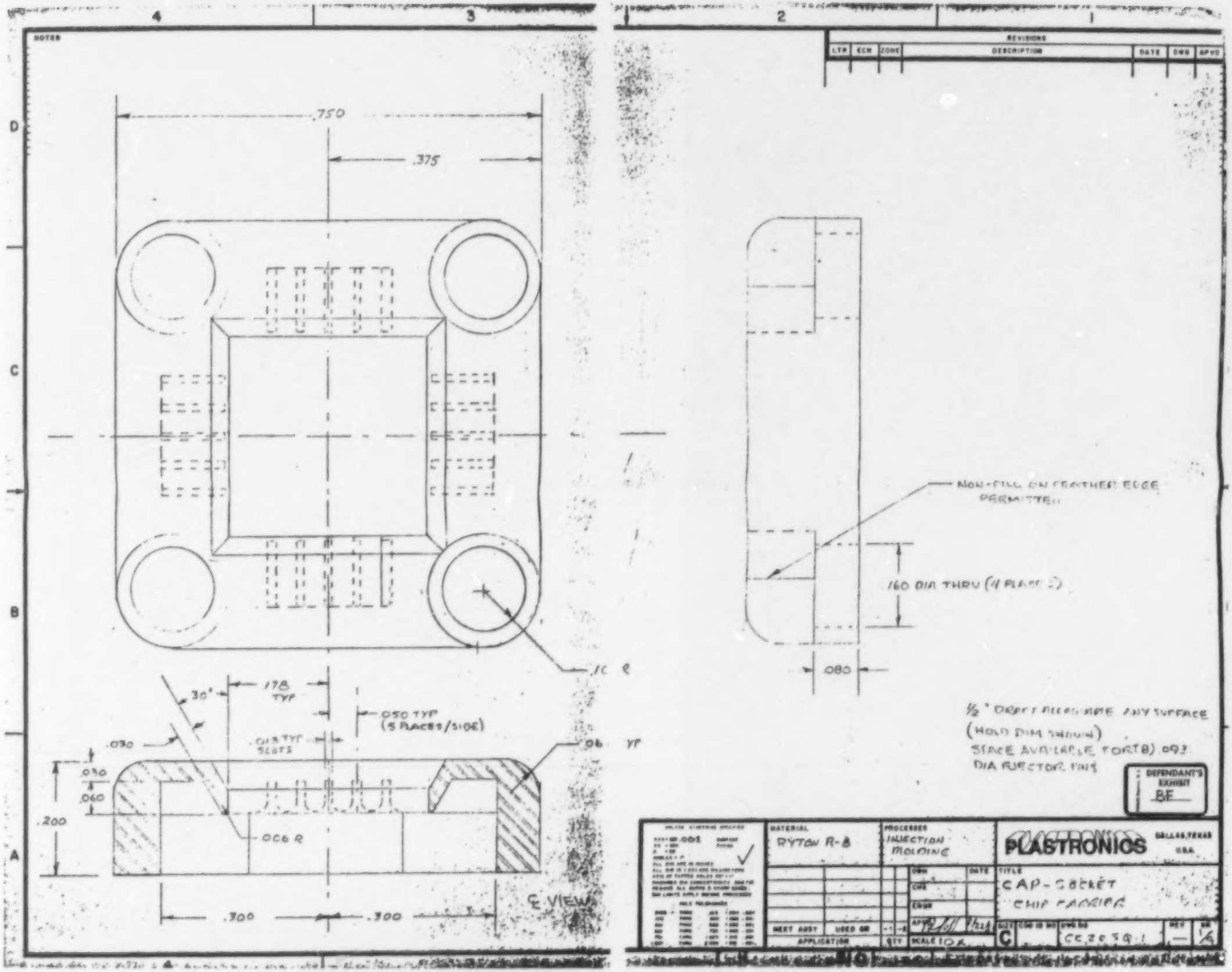
Q. I see.

A. Okay?

Q. Yes.

A. And they designed one and it didn't work, so they

* * *



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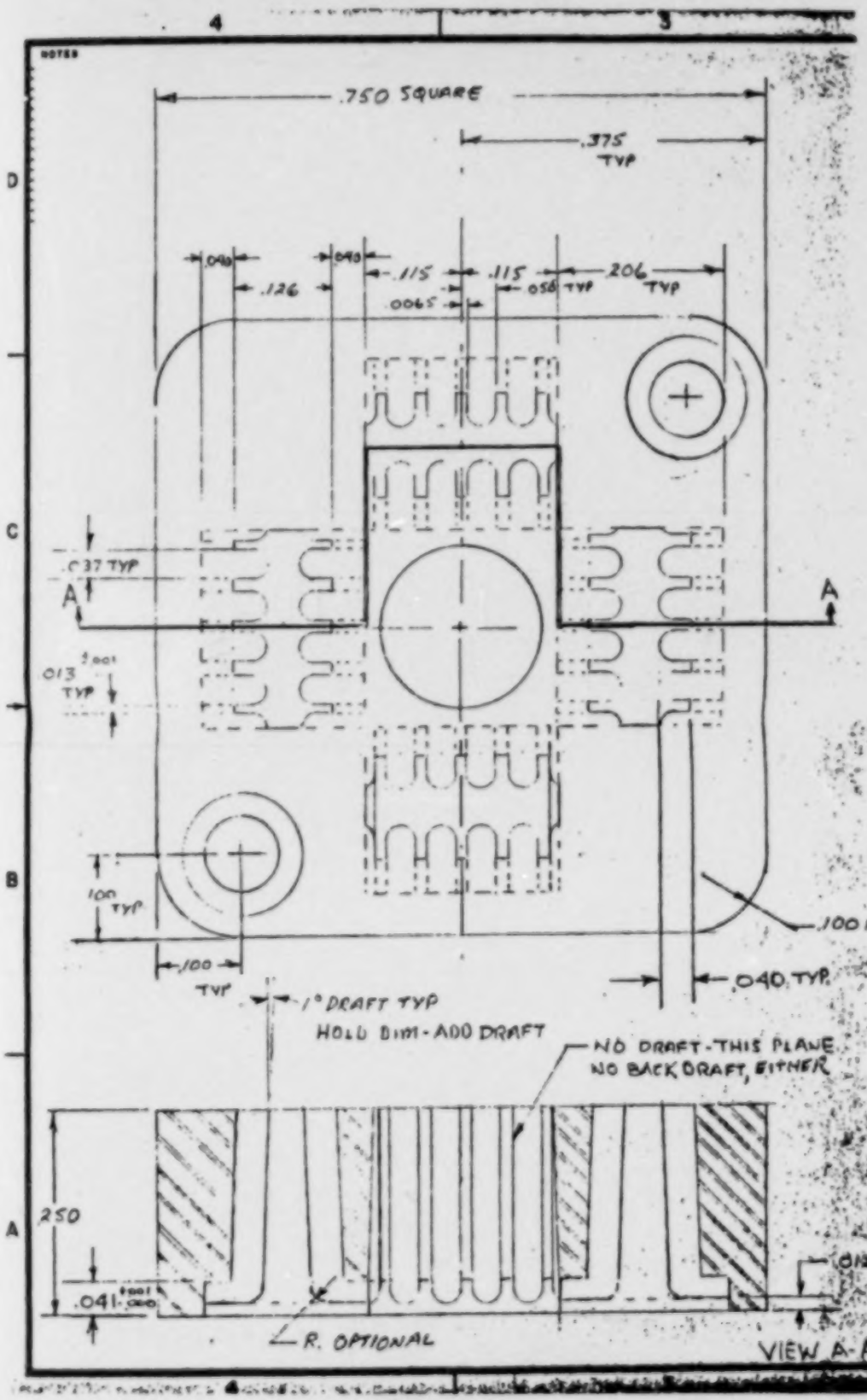

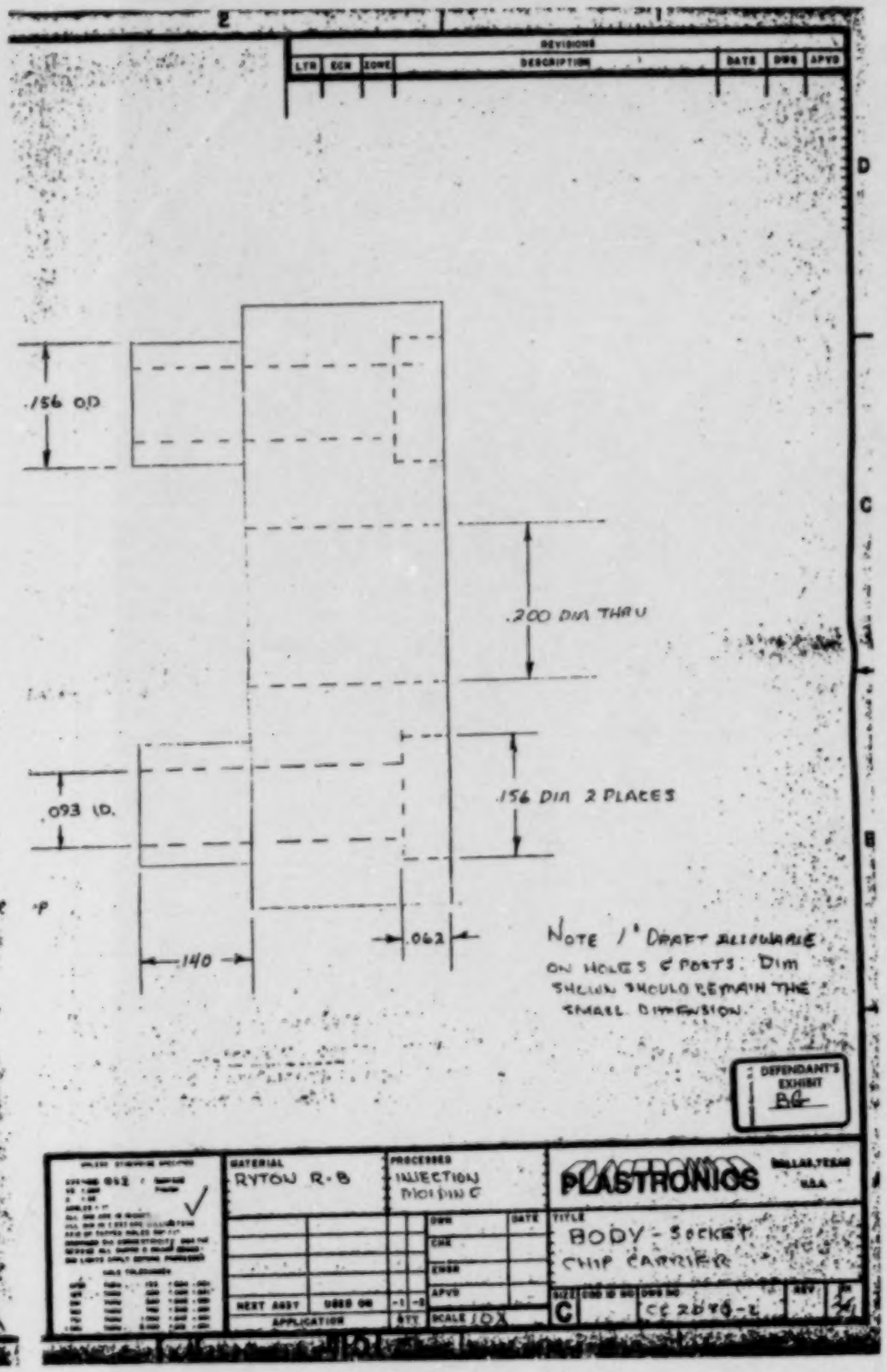

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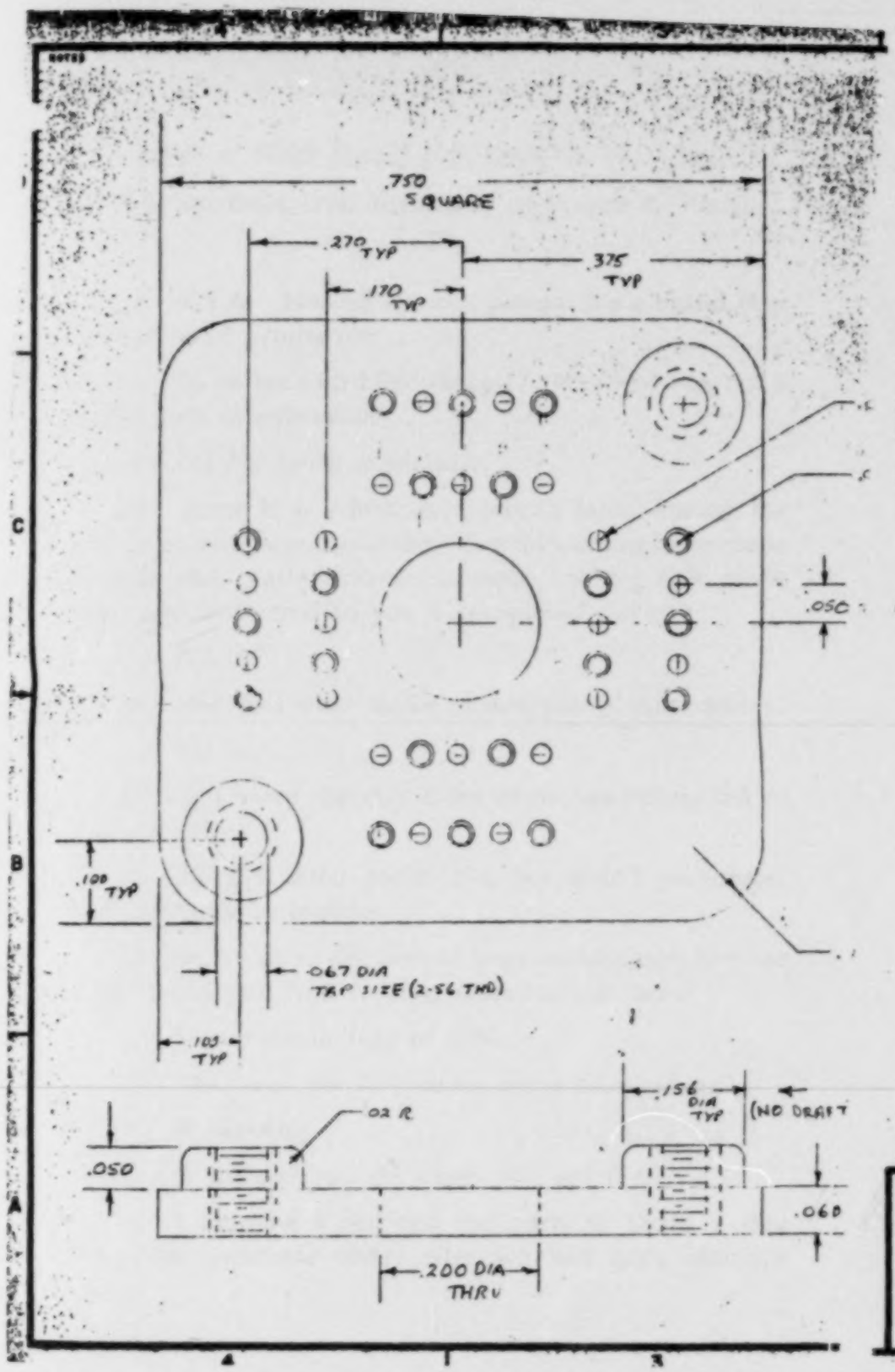


REVISIONS

LTR	ECN	ZONE	DESCRIPTION	DATE	DWN	APVD

DEFENDANT'S EXHIBIT BH

MATERIAL RYTON R-8	PROCESSES INJECTION MOLDING	PLASTRONICS DALLAS, TEXAS U.S.A.	
NEXT ASSY USED ON	APVD 4/11	TITLE BASE - SOCKET CHIP CARRIER	
APPLICATION	QTY SCALE 10X	SIZE C	DWG NO CC20-9-3 REV

[Pfaff v. Wells Elecs.] U.S. Dist. Ct. N.D. Tex.

[Excerpt from Trial Testimony of Wayne K. Pfaff]

* * *

[p. 147] A. No. All custom design. It's a brand new development program.

Q. So as far as 3-17-81, May 17, '81 there was not a single part in existence?

A. No No parts until July.

Q. April 19th which is a month later, during the month is there any possibility that they could have made tooling and made drawings, made tooling and made parts and delivered to you a completed device?

A. No.

Q. Did you ever make prototypes of this device?

A. No.

Q. You went directly from drawings submitted to Weiss-Aug?

A. They wanted parts. No, we didn't prototype. Went directly to tooling.

Q. So when to the best of your recollection or your records did you first receive assembled devices?

A. Sometime in July of 1981.

Q. That was the first order came from where?

A. Weiss-Aug.

Q. What did you do when you got there?

A. I imagine I shipped the parts to Delta V this particular purchase order after we had gone through testing.

Q. What kind of testing did you do?

A. Mechanical cycling. Went to independent testing lab. I [p. 148] had a machine that would cycle the product because I was very concerned about having this inneredge as a knife cutting through the cap. That was the one area I thought was high risk. I put this in a machine and cycled it 72,000 times and took it apart to see how much adverse wear was there. I was relieved to find it was shiny, no wear. I felt mechanically I had a good product.

Q. Mechanical testing only?

A. I didn't have the facility for thermal or electrical.

Q. Using a burning oven?

A. Didn't have a burning chamber.

Q. That had to occur after you delivered the devices to Delta V and they assembled the board and delivered it to Texas Instruments; is that correct?

A. That's correct.

Q. Let's look at this document, that's Defendant's BZ, Plaintiff's 20; is that correct?

A. Okay.

Q. I believe opposing counsel pointed out at the top of that document it says "Confirmation of Order Placed verbally 3-17-81"?

A. That's probably what happened.

Q. At the time you – I assume you received this in your office, the original of this document?

A. Yes.

[p. 149] Q. Is that correct?

A. Well, at that time it was at my home working out of the house.

Q. There is some notation on the bottom starting about No. 11 on that socket. Can you read that?

A. "All sockets to be similar to Plastronics drawing No. P2020. Body material to be Ryton. Contacts to be BeCu and contact material to be capable of at least 175 degrees. All sockets being purchased with the understanding that said sockets will meet the original engineering criteria of TI applications or be returned for the full refund with no liability whatsoever."

Q. That's what it said. What did you understand that to mean?

A. If it works, they buy it. If it doesn't work, they don't.

Q. I believe you said you finally delivered some of these somewhere late July or August?

A. True. And also believe the other guy bidding on the contract had his order canceled.

Q. Any doubt in your mind, Mr. Pfaff, any one of the four components that make up this device was actually in existence on the date of April 19, 1981?

A. No way.

Q. Had any testing been done on this assembled device that [p. 150] didn't exist on April 19, 1981?

A. No.

Q. At this time did you know if this device was going to satisfy those requirements of TI?

A. Sort of like all new products. You really never know until you get through with it.

Q. You don't know until it's tested?

A. That's right. New products are like babies. They're going to get wet their pants and you never know when.

Q. No physical part of this device existed prior to April 19, 1981?

A. No.

Q. You had drawings and concept only?

A. Check.

MR. KANZ: Pass the witness.

THE COURT: Thank you, Mr. Kanz.

Any recross, Mr. Hall?

MR. HALL: Just a couple.

RECROSS EXAMINATION

BY MR. HALL:

Q. I understand your testimony, Mr. Pfaff. The molds you were working on were 12-cavity molds, correct?

A. Yes, sir.

Q. Those were production molds, aren't they?

A. Production molds.

* * *

[Pfaff v. Wells Elecs.] U.S. Dist. Ct. N.D. Tex.

[Excerpts from Deposition of Wayne K. Pfaff]

* * *

[p. 54] notebook on the end of that. If you will, look in that notebook to Exhibit No. 3, please.

A. I have it.

Q. That should be a copy of United States Patent No. 4,491,377; is that correct?

A. It is.

Q. Are you the Wayne K. Pfaff named as inventor in that patent?

A. I am.

Q. Are you the owner of that patent?

A. Yes, I am.

Q. By the way, have you ever granted anybody a license under this patent, particularly Wells Electronics?

A. Yes, a company called Plastronics.

Q. Your own company?

A. Yes.

Q. But has anybody else been granted a license under this patent?

A. No.

Q. That is the patent you understand that's in suit here today?

A. Yes.

Q. Can you tell the Court how you came about making the invention that is claimed in that patent?

[p. 55] A. Yes, it's – I think in late 1980, Texas Instruments asked me to come see them, that they had a new packaging technology and did not want to use existing socketry technology because it was bulky, cumbersome, had –

Q. Mr. Pfaff, let me interrupt you.

A. Yes.

Q. What kind of business were you in at this time that you are talking about?

A. The business I was in at that point in time, I was selling burn-in sockets, a product line that I owned, and was also manufacturing pick and place equipment for loading and unloading of burn-in boards.

Q. How long had you been involved in burn-in board technology at that time?

A. Twenty years.

Q. Fairly familiar with the industry even at that time?

A. Oh, yes.

Q. And we're talking about what time period when TI made this contact?

A. 1980, '81.

Q. And how did this contact come about?

A. Well, Gary Wilson of Texas [p. 56] Instruments-Sherman felt they needed a more efficient manner to produce burn-in tests, this – this new package called a leadless chip carrier. They wanted higher density and faster loading, lower costs.

And in effect, what happened when I developed this socket for them, the number is one-third. They had three times the density, so they had one-third the handling of boards. They had one-third the need for chambers. A burn-in chamber costs $100,000, so they needed one instead of three. They used less current and less power and less electricity. It virtually cut the cost of doing burn-in by over 60 percent. And subsequently, it was very well received by the industry.

Q. When did this contact occur with Mr. Wilson of Texas Instruments?

A. Sometime in late 1980.

Q. Did Mr. Wilson tell you exactly what he wanted, or did he give you characteristics that he wanted?

A. He gave me the characteristics he wanted, myself and four competitors – three other competitors.

Q. What were the characteristics that TI was [p. 57] most concerned about?

A. Ease of handling, higher density, higher heat. It would take more heat than they had in the past, but the – the key thing was more efficient process control along with lower costs.

Q. Did you subsequently design a burn-in socket that satisfied those criteria?

A. Yes, I did. Its trade name is Locknest.

Q. You had started manufacturing the device then; is that correct? At some time, you started manufacturing the device?

A. Yes, late '81.

Q. You refer to that type of socket as a Locknest socket?

A. Yes, it was the first open top, zero insertion interconnect device for leadless devices.

Q. The term "Locknest," is that a trademark that you use?

A. It is a trademark.

Q. You have seen this exhibit marked Plaintiff's Exhibit 1, and you heard Mr. Mangum's testimony about it. Would you explain to the Court what the difficulties were with that particular socket?

A. That was state of the art at that point in

• • •

[p. 25] (Pfaff) Deposition Exhibit No. 5, for identification, as of 1-30-87.)

(Whereupon, a document under title of "BURN-IN SOCKETS FOR SURFACE MOUNT DEVICES LOCKNEST The Simple Alternative . . . PLASTRONICS . . . ," consisting of four hand numbered pages, was marked as Defendant's (Pfaff) Deposition Exhibit No. 6, for identification, as of 1-30-87.)

BY MR. HALL: (Continuing)

Q. Mr. Pfaff, I will show you what has been marked as Deposition Exhibit No. 3.

And ask you if you recognize it?

A. Yes. That's another product line that's been a "total bomb."

And that is the reason I do remember it.

Q. What is shown in that particular document?

A. It is a series of zero insertion sockets for dual in-line packages.

Q. Is that a – you recognize the document itself?

A. Well, not particularly. It is a new sheet. Looks like ours, though.

Q. I believe it came from one of your catalogs.

A. Yes. I don't – that is a quarter million dollar [p. 26] "boo-boo."

That is what it is.

You never do that, do you, Art?

MR. MIDILI: (No audible response.)

BY MR. HALL: (Continuing)

Q. Is that a zero insertion device? Is that correct?

A. That is.

Q. It is a "boo-boo", you say?

A. Yes.

Q. It apparently has not worked out well?

A. It will not function without the equipment to activate it. There is no equipment available.

As soon as I develop the equipment, then it will be functional.

Q. Have these been marketed?

A. We attempted to market them.

Q. Yes.

A. Sold a few orders and the product is not user-friendly.

Q. I see. I understand.

When were these first introduced?

A. Oh, it's like a bad dream. I have lost my memo on this thing.

I would say probably 1984.

* * *

[p. 57] Q. Did you send prints to them, too?

A. No. I sent everything to Weiss-Aug. They wanted to turn-key the product for me.

Q. I see.

A. Stamp the stamp, buy the mold, and assemble them.

Q. And this was still prior to Christmas-time in 1980, to the best of your recollection?

A. I think it was, as far as the transaction.

Q. Yes.

A. It may have gone into '81. I'm not sure.

Q. But the first of the year?

A. Yes. That time frame.

Q. Now, at this time did we have any prototypes developed or anything of that nature, working embodiment?

A. No.

Q. It was in a drawing.

Is that correct?

A. Strictly in a drawing. Went from the drawing to the hard tooling. That's the way I do my business.

Q. "Boom-boom"?

A. You got it.

Q. You are satisfied, obviously, when you come up with some drawings that it is going to go – "it works"?

[p. 58] A. I know what I'm doing, yes, most of the time.

Q. All right. Except for – when was that?

A. The "boo-boo."

Q. Yes.

A. It functions.

Q. Okay.

When you finished your drawings in late 1980 or very early 1981, it was a going – it was a "go"?

A. A "go" situation.

Q. You were satisfied that it worked?

Did you, by the way, show these drawings to Mr. Wilson over at Texas Instruments?

(Whereupon, there was a pause in the proceedings.) THE WITNESS: I honestly can't remember whether I did or not. I know. I changed the design.

And my responsibility was to make it work. I really don't think I showed, them to him because basically what I was doing was that, and he was satisfied with that.

Q. Yes. He was satisfied with your sketch?

A. Yes.

* * *

[p. 78] We have this device shown as the LOCKNEST-II?

A. Okay.

Q. It is now marked as Defendant's Exhibit 12.

A. Right.

Q. You indicated, Mr. Pfaff, that you do indeed recognize it?

A. Unfortunately I do.

Q. All right. Would you give me a little history of that?

A. That was developed for a specific type of chip carrier that required contact over the top as opposed to the side, as a LOCKNEST-I does.

And this was developed for Western Electric.

Q. Western Electric?

A. Yes. AT&T.

Q. Where at?

A. Allentown.

Q. Allentown. About when was that developed?

A. The '84 era.

Q. 1984?

A. Yes. Sometime in '84.

Q. All right.

A. Delivered, I believe, 28,000 pieces or 35,000. Thirty-five thousand pieces, 28-pin.

And we abandoned the technology because it [p. 79] was marginal. It's not a good product.

Q. Yes. Developed in 1984.

Did you develop that concept?

A. Yes, I did.

Q. Okay. And were some of those produced?

A. Yes.

Q. I take it?

A. Yes. About 35,000.

Q. Thirty-five thousand.

And delivered.

Is that correct?

A. Produced, delivered, paid for.

Q. And paid for?

A. Both.

Q. To Western Electric?

A. That's right.

Q. And you indicated that the things didn't go too well with it.

Is that correct?

A. It is marginal technology. It is not a real reliable contactor.

It is extremely user-unfriendly, because of the nature of the device and it has compression springs that push the cap back up to make -- force the contact.

[p. 80] Q. Yes. Was Western Electric pleased with the product?

A. The guy that bought it was. The guy that had to use it was not.

Q. They are not happy with it, I take it?

A. They were not happy with it.

But the specifier accepted it to spec.

Q. Who was that, by the way? Do you remember?

A. No. I can see his face. I can't remember his name.

Q. Someone at Western Electric?

A. Yes. It did the job he asked it to do.

Manufacturing did not wish to use it because it is too hard to push down. And there was no machinery to push it down.

Q. All right. About 1984?

A. Right.

Q. You said you were paid for those.

Is that correct?

A. That's right. They were accepted.

They were to spec' and they were approved and paid for.

Q. Now, has Western Electric requested their money back or anything like that?

A. No. They met the spec.

* * *

[Pfaff v. Wells Elecs.] U.S. Dist. Ct. N.D. Tex.

[Excerpt from Trial Testimony of Wayne K. Pfaff]

* * *

[p. 135] Q. Who was the customer?

A. Gather Wilson.

Q. Then did you at that time visit Texas Instruments?

A. Yes, I did.

Q. At this time did you not sketch out your concept for him?

A. Fundamentally, yes.

Q. But you had the top of the contact, did you not?

A. I believe I did.

Q. What happened? Was Texas Instruments impressed?

A. Somewhat. They let multiple contracts for development. Impressed with some other people also.

Q. Now at the time that you did your initial sketches what was said between Texas instruments and yourself? Do you recollect it?

A. It appeared they wanted to award me a contract through Delta V to design, develop and produce this new widget.

Q. I take it you returned then back to your office and you made some formal drawings, did you not?

A. To the best of my knowledge, I did not. We don't start any expenditures normally until we have a contract.

Q. You recollect I showed you this morning, I asked that you look in to the red books and find Defendant's Exhibit BZ.

That's the purchase order from Delta V to your company?

A. I have that exhibit.

[p. 136] Q. That purchase order is dated 4-8-81 refers to a confirmation order placed 3-17-81. Do you notice that? 3-17-81?

A. This is what it says, yes.

Q. You recollect any particular drawings around 3-17-81 that you did either for Delta V, Texas Instruments or your own contractor Weiss-Aug?

A. I would imagine immediately after the verbal order we started work on it, on drawings. This is customary.

Q. I would ask that you turn in that exhibit booklet to Exhibit BA?

A. (Complied.) Okay.

Q. That's the Weiss-Aug drawing, is it not?

A. Yes, it appears to be.

Q. Does it bear a date?

A. 2-11-82 and 3-14-82.

Q. Let's look at the date right below the name Weiss-Aug. Do you see it there?

A. 3-31-82.

Q. Is that a drawing of your socket device?

A. Yes, sir.

Q. Is it an engineering drawing?

A. It's an engineering drawing.

Q. I would ask if you would please turn to Exhibit BD, Baker Delta.

[p. 137] A. (Complied.)

Q. Do you recognize that drawing?

A. Yes, sir. I do.

Q. What is that drawing?

A. Looks like contact spring for Locknest.

Q. Is that an engineering drawing?

A. Yes, sir. I would construe it to be that.

Q. Does that bear a date that you can see?

A. Looks like 3-3-81.

Q. What's it say? It appears to be 2-25-81 Look at the stamp. It's stamped under see February 25 then.

A. 2-25-81 correct. It looks like 3-33-81. You says it's 2-25 I will take your word for it.

Q. What stamp do you see stamped above the name Plastronics?

A. I see February 25.

Q. That's possible that drawing assuming February 25, 1981 date is correct, would have been prior to the verbal order; is that correct, 3-17-81?

A. Yes. I would say it is.

Q. Would you refer now Defendant's Exhibit BE.

A. Okay.

Q. Do you recognize that drawing?

A. Yes, sir. I do.

Q. What is it?

[p. 138] A. It's an engineering drawing, contact, Locknest.

Q. It has a date does it?

A. Looks like 2-21.

Q. '81?

A. '81, yeah.

THE COURT: Excuse me. Did you say 2-21 or 3-21?

A. It looks like 2-21. It may be 3-21. It's not legible.

Q. Appears to be more of a 3-21, I believe, Mr. Pfaff?

A. Okay.

BY MR. HALL:

Q. We will refer now Defendant's Exhibit BF. Okay. That's another engineering drawing, is it not, from your company?

A. Yes, sir.

Q. Bears a date 3-22-81?

A. It looks like 3-22 to me, sir.

Q. Yes. That is of an engineering drawing of one of your component parts to your Locknest?

A. Yes, sir, it is.

Q. You would refer to Defendant's Exhibit BH?

A. (Complied.)

Q. Do you recognize that drawing?

A. Yes, sir.

Q. What is it?

A. It's an engineering drawing of a base plate Locknest socket.

[p. 139] Q. Locknest?

A. Yes, sir.

Q. It bears a date of what?

A. Appears to be 3-27.

Q. Eighty?

A. Eighty-one If you refer to the purchase order which is Defendant's Exhibit Z.

A. Okay.

Q. There's a price given there, is there not?

A. There is.

Q. Uh-huh. How was that price arrived at to the best of your recollection?

A. Basically factoring the manufacturing costs, adding in profit, and general administrative expenses, something I have been doing for 25 years.

Q. Yes. And in order for that purchase order to have that price included therefore must have negotiated or communicated, is that correct, with the issuing party, Delta V?

A. Yes, obviously.

Q. Obviously, before 4-8-81?

A. Yeah. There is a verbal commitment here on 3-17, I guess.

Q. You recollect meetings you had between, let's say, November of 1980 to April 10 of 1981 meetings or visits with [p. 140] Texas Instruments or Delta V regarding the Locknest?

A. I don't recall any.

Q. Is it your interpretation that you had none or you simply don't remember?

A. Little of both.

A. Are you saying it's possible you had no meetings?

A. It is possible we had no meetings.

Q. Then could you explain how these drawings came about?

A. Well, I don't have a seven-year memory bank but odds are I probably started them slightly in advance of order because the anxiety level of the customer – they were very hot to get the product.

Q. If you notice the order you'll see that it references, does it not, Plastronics drawings P2020?

A. Correct.

Q. It seemed reasonable that drawing was in existence at the time the purchase order was issued?

A. Not necessarily. It's industry standard to offer a customer a part number for reference to whatever described item it is.

Q. You refer to Defendant's Exhibit BHA?

A. Okay. I have it.

Q. Yes, you note that is Plastronics drawing P2020?

A. Okay.

Q. At least it bears the same number as that which is [p. 141] referred to in the purchase order?

A. It appears to be.

Q. BZ. There's a name Wayne Pfaff with a date 3-10-81?

A. Well, that's not my writing so I don't know who put it in there.

Q. There's also a calling card at the top of that drawing; is there not?

A. Check.

Q. You recognize that calling card?

A. That's mine.

Q. For your information this drawing was obtained from Delta V by subpoena –

A. Okay.

Q. – after efforts for you to locate it was not successful. Do you recall that?

A. Would you repeat your question?

Q. After efforts by yourself to locate this drawing were not successful?

A. I was unable to find it.

Q. Is this drawing as it's shown here an assembly drawing of your Locknest?

A. It is a proposed assembly drawing. The product didn't come out this way.

Q. It does bear, indeed, does it not, dimensions?

A. Yes.

[p. 142] Q. In fact, engineering dimensions, aren't they?

A. I would say, yes, they are.

MR. HALL: I have no further questions at this time, Your Honor.

THE COURT: Thank you, Mr. Hall.

Any redirect, Mr. Kanz?

REDIRECT EXAMINATION

BY MR. KANZ:

Q. Mr. Pfaff, as I recall the testimony there was contact between you and Mr. Wilson at Texas Instruments you said sometime around November?

A. As best I remember, yes.

Q. I believe counsel for defendant said that you were first notified there was a need for this device at this time, a leadless chip carrier burn-in board socket; is that correct?

A. No. Heard about it for five to seven years a need for.

Q. Who had you heard this need from?

A. The industry in general.

Q. So when Mr. Gary Wilson asked for you to do one for TI that wasn't your first encounter somebody needed a device at that time?

A. No.

Q. Been for a long time; is that correct?

A. Yes, they had.

Q. You identified at the time that the first device you now [P. 143] call Locknest was made what was your procedure for going from concept to engineering drawings to prototype if there was to tooling to sale? What was the procedure that was involved and who were the parties in this first manufacture of any type of the patent device that's the subject matter of the patent?

Q. Sequentially, we went from customer need to customer order place with Delta V. Delta V placing an order with me. I designed the product. Gave a product drawing to Weiss-Aug which we negotiated final fit form and this sort of thing. They tooled this product which took, I believe, about five or six months which is a new

stamping die, molds for four different parts specifying custom rivets to be able to manufacture the product and I think sometime in July that I actually had first parts in my hand.

Q. No, the drawings that we identified, discussed earlier with Mr. Hall, for example, BF, BG and BH, I believe, these are all drawings done by whom? Who drew those?

A. I drew them.

Q. For what purpose is this, the engineering drawings that the tooling was made from?

A. These were the pliminary [sic] drawings that the tooling was to have been made for but there were subsequent drawings after this. Normally designing a product like this one the original design, then like any major decision you sleep on it [p. 144] for a while, go back and review it, take a look at it. It probably took me four weeks to get.

Q. The three drawings are the first engineering drawings you have records of of the three major components of that design; is that correct?

A. That's correct.

Q. Now, was the device tooled from those drawings or Weiss-Aug make its own drawings?

A. They made their own drawings.

Q. You made these drawings, submitted these to Weiss-Aug?

A. Yes.

Q. Weiss-Aug made new drawings?

A. They went through reengineering. They had their own language in manufacturing. They liked to talk and they felt it would be a major program for them. They volunteered engineering efforts to try to help communicate what was actually needed in the components manufacturing.

Q. Even the dates that appear on these drawings like February '81, then those drawings sometime in February or March of '81 went to Weiss-Aug; is that correct?

A. Yes.

Q. And then Weiss-Aug made its own drawings?

A. Yes.

Q. Now, we have talked about tools when we have made these drawings. What are we talking about?

[p. 145] A. We are talking about a stamped metal part which requires a product die to produce. We are talking about a set of three moldings per product that require an injection mold to produce. In this particular contract we were talking about 12 moldings because they had four parts, four sets of parts.

Q. So then after you made the drawings, the ones we have identified BHA and BG – I'm sorry – BD and BF Weiss-Aug made drawings, then they had to making tooling?

A. Yes.

Q. How long does it take for them to make tooling?

A. In this particular case it was five or six months to make the program.

Q. With your experience in industry is that normal?

A. With a 12-cavity mold, brand new product I would say with a mold, that's normal. Stamping dies depends on the industry. You can normally get one in about four months but combined program in looking at injection molds, stamping dies, custom rivets and automated assembly equipment which is designed at that time it took five to six months.

Q. How many components in this device, the first one that was sold?

A. Three moldings, four rivets and either 20 springs or 32 springs.

Q. The springs all the same?

A. Right.

[p. 146] Q. You have a stamping die, you have one part, one set of drawings?

A. That's correct.

Q. You have molds for how many parts?

A. This particular one is a 12-cavity mold for four parts, 12 cavity, four family referred to it.

Q. Each device has how many parts?

A. Each device has four moldings – three moldings, four rivets and springs.

Q. So you have got a set of drawings for one part, the top or the cap?

A. Right.

Q. The one set of drawings for the tooling for the base?

A. One for the body.

Q. One for the body?

A. Plus drawings of the rivets.

Q. Rivets holding it together?

A. Custom rivets.

Q. That wasn't a standard die?

A. No. Custom-built.

Q. At the time that you received from Delta V let's assume that day – let's assume verbal offered 3-17 at that time did any one of – any component of that device that you actually sold to him later, did any of those components actually exist?

[p. 147] A. No. All custom design. It's a brand new development program.

Q. So as far as 3-17-81, May 17, '81 there was not a single part in existence?

A. No No parts until July.

Q. April 19th which is a month later, during the month is there any possibility that they could have made tooling and made drawings, made tooling and made parts and delivered to you a completed device?

A. No.

Q. Did you ever make prototypes of this device?

A. No.

Q. You went directly from drawings submitted to Weiss-Aug?

A. They wanted parts. No, we didn't prototype. Went directly to tooling.

Q. So when to the best of your recollection or your records did you first receive assembled devices?

A. Sometime in July of 1981.

Q. That was the first order came from where?

A. Weiss-Aug.

Q. What did you do when you got there?

A. I imagine I shipped the parts to Delta V this particular purchase order after we had gone through testing.

Q. What kind of testing did you do?

A. Mechanical cycling. Went to independent testing lab. I [p. 148] had a machine that would cycle the product because I was very concerned about having this inneredge as a knife cutting through the cap. That was the one area I thought was high risk. I put this in a machine and cycled it 72,000 times and took it apart to see how much adverse wear was there. I was relieved to find it was shiny, no wear. I felt mechanically I had a good product.

Q. Mechanical testing only?

A. I didn't have the facility for thermal or electrical.

Q. Using a burning oven?

A. Didn't have a burning chamber.

Q. That had to occur after you delivered the devices to Delta V and they assembled the board and delivered it to Texas Instruments; is that correct?

A. That's correct.

Q. Let's look at this document, that's Defendant's BZ, Plaintiff's 20; is that correct?

A. Okay.

Q. I believe opposing counsel pointed out at the top of that document it says "Confirmation of Order Placed verbally 3-17-81"?.

A. That's probably what happened.

Q. At the time you – I assume you received this in your office, the original of this document?

A. Yes.

[p. 149] Q. Is that correct?

A. Well, at that time it was at my home working out of the house.

Q. There is some notation on the bottom starting about No. 11 on that socket. Can you read that?

A. "All sockets to be similar to Plastronics drawing No. P2020. Body material to be Ryton. Contacts to be BeCu and contact material to be capable of at least 175

degrees. All sockets being purchased with the understanding that said sockets will meet the original engineering criteria of TI applications or be returned for the full refund with no liability whatsoever."

Q. That's what it said. What did you understand that to mean?

A. If it works, they buy it. If it doesn't work, they don't.

Q. I believe you said you finally delivered some of these somewhere late July or August?

A. True. And also believe the other guy bidding on the contract had his order canceled.

Q. Any doubt in your mind, Mr. Pfaff, any one of the four components that make up this device was actually in existence on the date of April 19, 1981?

A. No way.

Q. Had any testing been done on this assembled device that [p. 150] didn't exist on April 19, 1981?

A. No.

Q. At this time did you know if this device was going to satisfy those requirements of TI?

A. Sort of like all new products. You really never know until you get through with it.

Q. You don't know until it's tested?

A. That's right. New products are like babies. They're going to get wet their pants and you never know when.

Q. No physical part of this device existed prior to April 19, 1981?

A. No.

Q. You had drawings and concept only?

A. Check.

MR. KANZ: Pass the witness.

THE COURT: Thank you, Mr. Kanz.

Any recross, Mr. Hall?

MR. HALL: Just a couple.

RECROSS EXAMINATION

BY MR. HALL:

Q. I understand your testimony, Mr. Pfaff. The molds you were working on were 12-cavity molds, correct?

A. Yes, sir.

Q. Those were production molds, aren't they?

A. Production molds.

[p. 151] Q. That's not for sampling. Those are used to make products?

A. Used to make a product.

Q. At that time you had some confidence as you indicate in your deposition earlier that it was go; is that correct?

A. Yes, sir. I had a high confidence level with the product. Like any businessman sometimes you have to take a risk.

Q. Now with respect to purchase order Exhibit BZ?

A. Okay.

Q. There was a proviso in there if they did not produce certain standards it could be returned?

A. Yes, sir.

Q. What if you provide a product for a customer that doesn't work can that cutomer [sic] return it and get its money back?

A. The customer never pays for it in the first place. You make the product, you ship it to him. If he likes it he'll pay for it. If he doesn't like it he returns the product. Money never changes hands until after testing and approval.

Q. It's standard, is it not, when you provide a product to someone if that product does not meet the standards, in other words fails, no matter what it is they can get their money back normally; is that correct?

A. Certainly.

[p. 152] Q. Yeah.

A. Normal business.

Q. Normal business for established products as well as others?

A. Well, even development, products when they have got a stipulation like.

Q. So really that stipulation we see there is really a standard stipulation that applies to all types of products in general terms?

A. If the product is defective you expect to return it. I would; you would.

MR. HALL: No further questions.

THE COURT: Thank you, sir.

Any final redirect?

MR. KANZ: One question.

BY MR. KANZ:

Q. If standard product is defective don't you generally replace it?

A. In terms of the contract with the standard product is we'll replace the product after thirty days – within 30 days. If it's returned defective we'll refund the money.

Q. You never made this device before as in Plaintiff's Exhibit 20, had you?

A. No, sir.

Q. Did you know what it was being made for?

[p. 153] A. Yes.

Q. You had discussed it with TI representatives?

A. Yes.

Q. They gave you the criteria it had to fill?

A. Yes.

Q. You understood it was a new device?

A. Yes.

Q. Make it clear to TI it was a new device?

A. Yes. They knew it when they were looking for it for five years.

Q. Did you consider it a commercial device or development contract with TI?

A. A development contract for TI.

Q. It did turn out to be a commercially viable device after it passed the test?

A. Yeah.

MR. KANZ: Pass the witness.

THE COURT: Thank you, sir.

Any final recross?

MR. HALL: No further questions.

THE COURT: Thank you, sir.

You may step down again, Mr. Pfaff. Thank you.

MR. KANZ: Your Honor, the plaintiff rests its case at this point.

THE COURT: Thank you, sir.

[p. 154] Mr. Hall, the Plaintiff has rested. Do you wish to call your first witness?

MR. HALL: If I may have a few moments to get some exhibits in order for Mr. Midili. Could we have approximately ten minutes?

(Recess.)

THE COURT: You may be seated.

Mr. Hall, you may proceed.

MR. HALL: The defendant calls as its first witness Mr. Arthur Midili.

ARTHUR MIDILI, DEFENDANT'S WITNESS, SWORN

DIRECT EXAMINATION

BY MR. HALL:

Q. Mr. Midili, will you state your full name and address, please?

A. My name is Arthur Ar. Midili. I live at 52319 Skyline Court, South Bend, Indiana.

Q. Mr. Midili, is this the first time you have appeared as a witness on the stand?

A. Yes, it is.

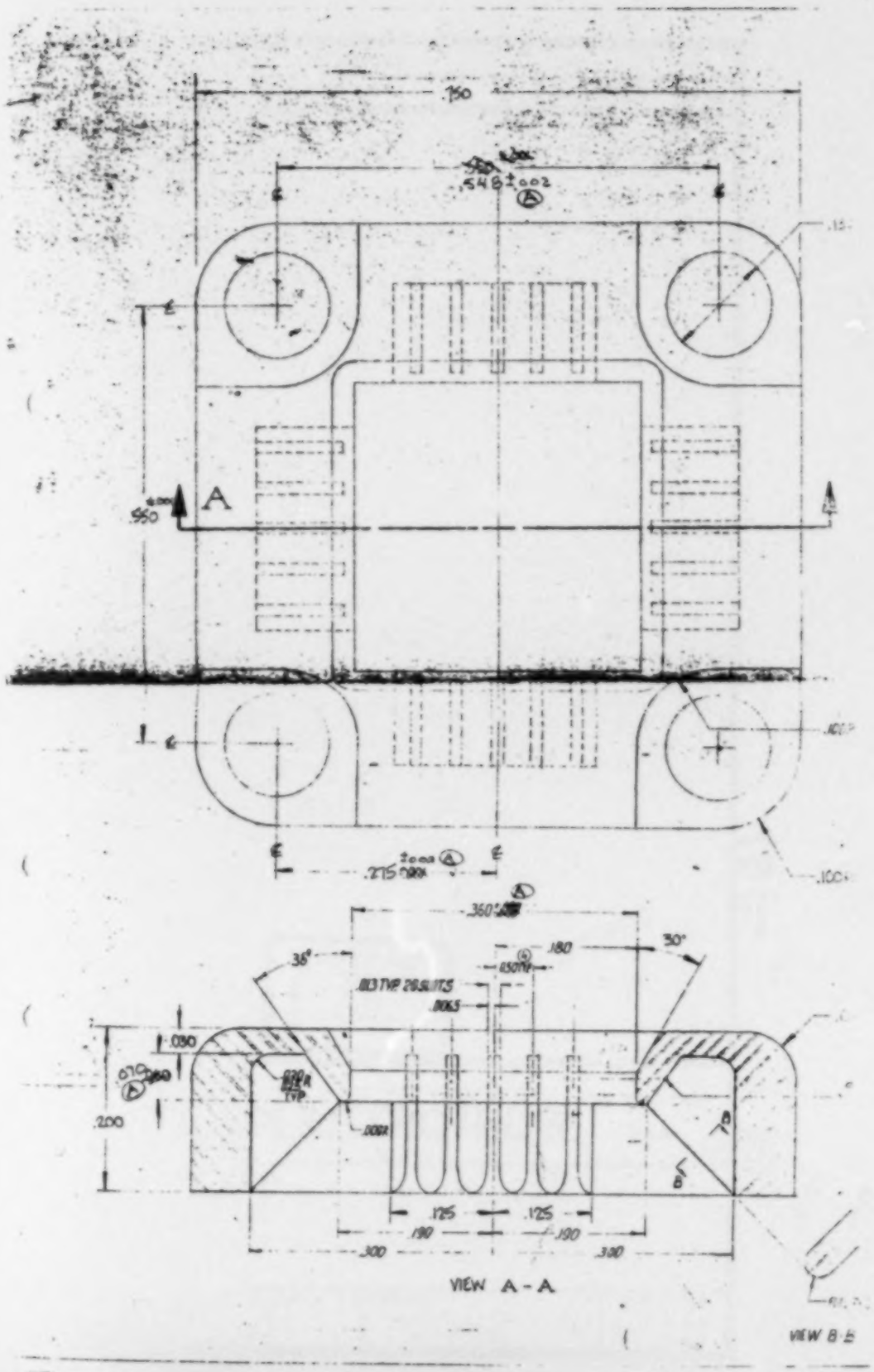
Q. Is it a new experience for you?

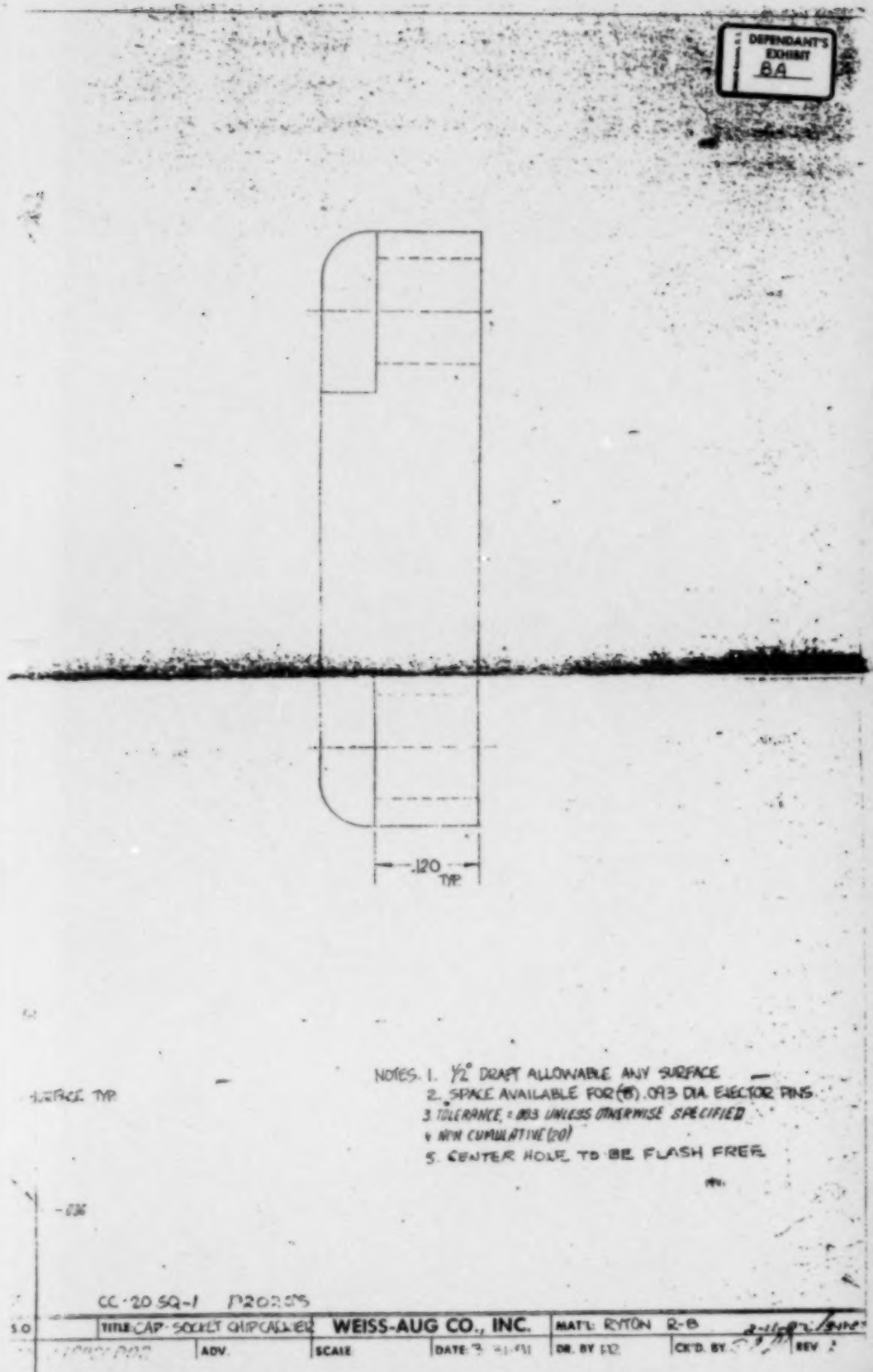
A. Yes.

Q. What position do you now hold with respect to Wells Electronics?

A. I'm the president and chief executive officer of Wells

* * *





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NOTES

REVISIONS					
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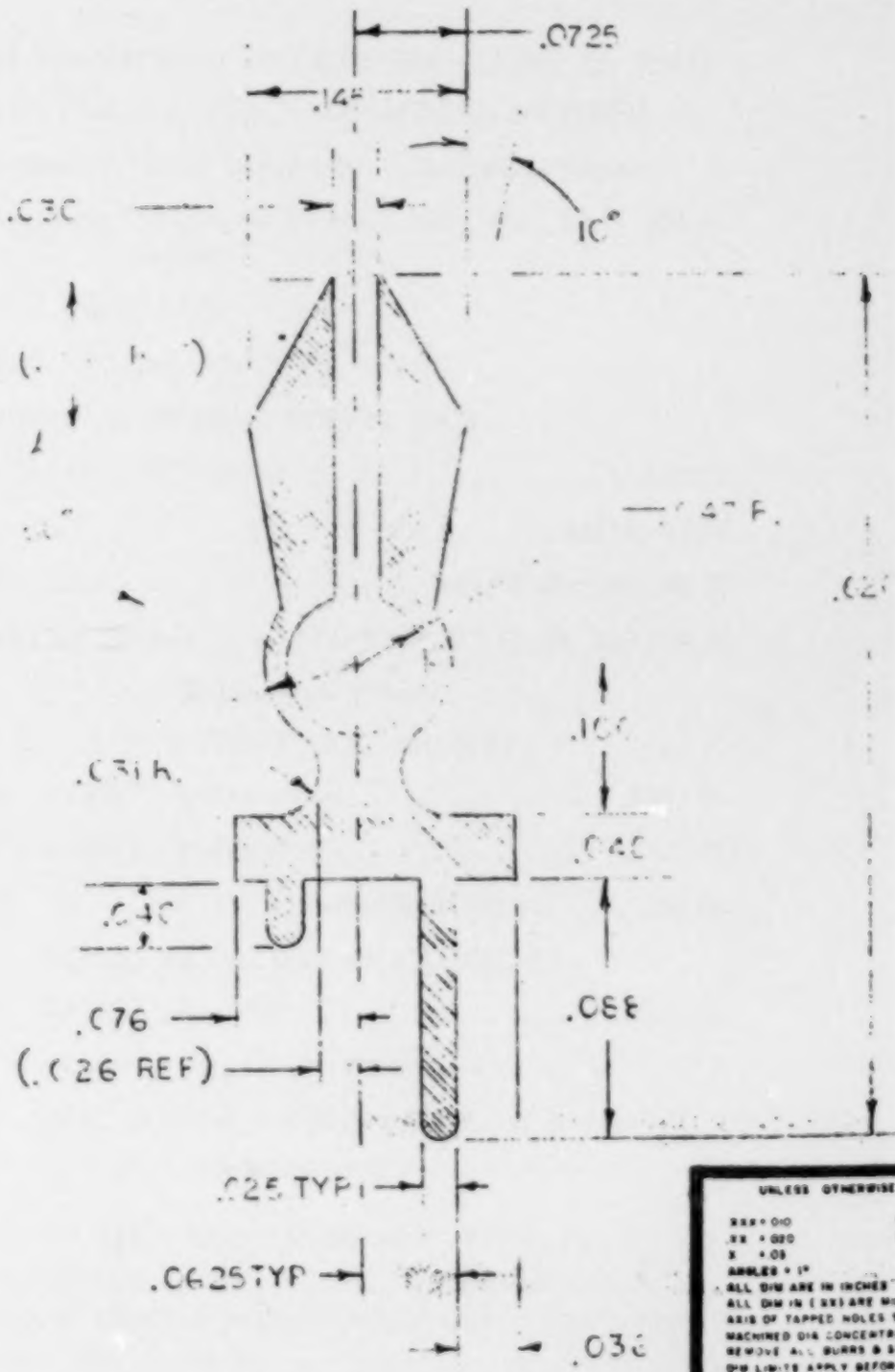

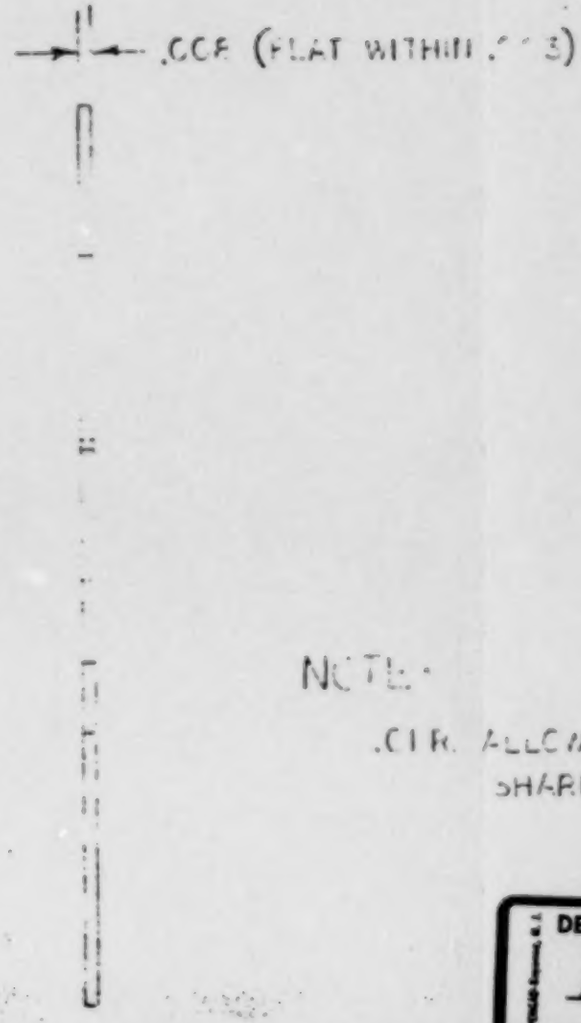

NOTE:
.01 R. ALLOWABLE ON ALL SHARP CORNERS

DEFENDANT'S EXHIBIT BE

UNLESS OTHERWISE SPECIFIED
.XXX ± .010 SURFACE FINISH
.XX ± .020
X ± .05
ANGLES ± 1°
ALL DIM ARE IN INCHES
ALL DIM IN (XX) ARE MILLIMETERS
AXIS OF TAPPED HOLES 90° ± 1°
MACHINED DIA CONCENTRICITY .004 TIR
REMOVE ALL BURRS & SHARP EDGES
DIM LIMITS APPLY BEFORE PROCESSES

HOLE TOLERANCES

0135	THRU	125	+.004 -.001
126	THRU	.250	+.005 -.001
251	THRU	.500	+.006 -.001
501	THRU	.750	+.008 -.001
751	THRU	1.000	+.010 -.001
1.001	THRU	2.000	+.012 -.001

MATERIAL: [illegible] FULL TEMPER

PROCESSES: SYLEF PLATE .0000[illegible]

				DWN	DATE
				CHK	
				ENGR	
NEXT ASSY	USED ON	-1	-2	APVD	
APPLICATION		QTY		SCALE 10 X	

PLASTRONICS DALLAS, TEXAS U.S.A.

TITLE: CONTACT-CHIP (ASSEMBLY [illegible])

SIZE	COD ID NO	DWG NO	REV	SH
B		P2002	—	1/1

B DWG NO

[United States Patent No. 4,262,984 – April 21, 1981]

[54] ELECTRIC CONTACT TERMINAL MEMBER

[75] Inventor: Toru Takahashi, Yokohama, Japan

[73] Assignee: Yamaichi Electric Mfg. Co., Ltd., Tokyo Japan

[21] Appl. No.: 59,036

[22] Filed: Jul. 19, 1979

[30] Foreign Application Priority Data

Jul. 19, 1978 [JP] Japan 53-87053

[51] Int. Cl.³ H01R 4/24

[52] U.S. Cl. ..... 339/97 R; 339/99 R

[58] Field of Search ..... 339/97 R, 97 P, 98, 339/99 R

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Primary Examiner – Eugene F. Desmond

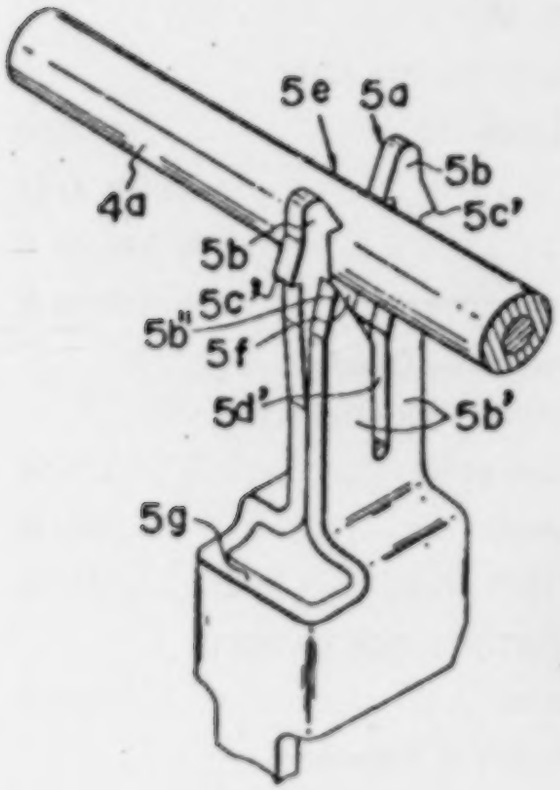
Attorney, Agent, or Firm – Wenderoth, Lind & Ponack

[57] ABSTRACT

In a press-in type terminal member for a single core cable, a temporary holding space is formed between contact arms and above a conductor press-in slot, to temporarily hold the cable before press-in operation. The terminal member may have an outward projection which

forms another temporary holding space in cooperation with an adjacent terminal member, to hold another cable for a second row of terminals which is staggered from the first row of terminals.

4 Claims, 13 Drawing Figures



DEFENDANT'S EXHIBIT ABY
3:91-CV-1542-H

ELECTRIC CONTACT TERMINAL MEMBER

BACKGROUND OF THE INVENTION

The invention relates to an electric contact terminal member having at least one pair of contact arms which forms a conductor press-in slot therebetween for a single core cable.

When a connector has many conductor press-in type contact terminal members, each specific cable must be pressed in each conductor press-in slot of a specific terminal member. Thus the operation is tedious and time consuming. To press-in some of the cables, a special jig must be prepared to arrange and temporarily hold necessary cables. In this case, the jig must be removed from the completed connector, and when the holding of the jig is stable, the removing operation is not easy. Unstable cables tend to drop off or cause positioning errors.

SUMMARY OF THE INVENTION

The object of the present invention is to provide an electric contact terminal member of the type specified and having temporary holding means to hold the cable before the cable is pressed into the conductor press-in slot.

According to the present invention, the inlet portion of the conductor press-in slot between the contact arms of the terminal member is broadened to accommodate the cable without damaging the insulation thereof. The inlet end portion of the slot has projections to hold the cable. Thus, the broadened inlet portion and the projections cooperate to form a temporary holding space for the cable.

As the cable can be pushed into the temporary holding space, arrangement and positioning of the cable with a specific terminal member is very easily performed. As the temporary holding space is on the inlet side of the conductor press-in slot, rearrangement of the cable is unnecessary. All cables are pressed into conductor press-

in slots by one operation, after the cables are held in the temporary holding spaces.

According to one embodiment of the present invention, the contact arm of the terminal member has an outward protection which cooperates with a projection of an adjacent terminal member to form another temporary holding space. When a connector has two rows of the terminal members, all the cables are held by two temporarily holding spaces, so that precise positioning and aligning of the cables can be easily performed.

According to another embodiment of the present invention, another pair of the contact arms having pointed ends and a conductor press-in slot are in parallel with the first pair of the contact arms having the temporary holding space. The press-in operation of all cables is easily performed.

BRIEF DESCRIPTION OF THE DRAWINGS

The invention is described in detail below with reference to the accompanying drawings which illustrate specific embodiments, and in which:

FIG. 1(A) is a partially broken perspective view of the basic construction of an electric contact terminal in accordance with the invention;

FIG. 1(B) is a partially broken perspective view of the terminal shown in FIG. 1(A), shown in a position temporarily holding a cable;

FIG. 1(C) is a partially broken perspective view of the terminal shown in FIG. 1(A), shown in a position with the cable a pressed-in;

FIG. 1(D) is a partially broken perspective view of a plurality of the terminals shown in FIG. 1(A), showing another position for temporarily holding the cable;

FIG. 2(A) is a perspective view of a second embodiment of the electric contact terminal in accordance with the invention;

FIG. 2(B) is a perspective view of the backside of the terminal shown in FIG. 2(A);

FIG. 2(C) is a partially broken perspective view of the terminal shown in FIG. 2(B), shown in a position temporarily holding a cable;

FIG. 3 is a perspective view of an insulating block for an electric connector, showing a plurality of the terminals shown in FIG. 2;

FIG. 4 is a perspective view of the electric connector shown in FIG. 3;

FIG. 5 is a sectional view of the connector shown in FIG. 4, taken along line B – B of FIG. 7;

FIG. 6 is a sectional view of the connector shown in FIG. 4, taken along line C – C of FIG. 7;

FIG. 7 is a sectional view of the connector shown in FIG. 4, taken along line A – A of FIG. 4;

FIG. 8(A) is a partially broken front view of terminals in accordance with another embodiment of the present invention; and

FIG. 8(B) is a side view of the terminal shown in FIG. 8(A).

DETAILED DESCRIPTION OF THE INVENTION

Referring now to FIG. 1 a conductor press-in type electric contact terminal 5*a* is an integrally pressed member formed from a metal plate and has a pair of integral arms 5*b* which form a cable holding slot 5*e* and a conductor press-in slot 5*d* below the cable holding slot 5*e* between the arms 5*b*. The cable holding slot 5*e* has sufficient width to receive a single core cable 4*a* without damaging the insulation of the cable as shown in FIG. 1(B). The arms 5*b* have opposed temporary holding projections 5*c* which project into the cable holding slot 5*e*, to temporarily hold the cable 4*a* in the cable holding slot 5*e*. The arms 5*b* may also have additional temporary holding projections 5*c'* at the outside wall edges, to temporarily hold another cable in cooperation with an adjacent terminal in another temporarily holding space 5*f* (see FIG. 1(D)). When the cable 4*a* is pressed into the conductor press-in slot 5*d* below the temporary holding slot 5*e*, the insulation of the cable 4*a* is broken, and conductor in the cable is exposed to firmly electrically contact with the walls of the slot 5*d*, as shown in FIG. 1(C). Clearly the opening width between the opposed projections 5*c* or 5*c'* is narrower than diameter of the cable 4*a*. Thus, when the cable 4*a* is pressed in the temporary holding space 5*f* or 5*f*, the cable is held against irregular movement before the press-in process, so that arrangement of the cables before press-in is very easy.

Referring now to FIGS. 2(A) to 2(C), the electric contact terminal 5*a* shown in FIG. 1 contacts with another terminal which has a pair of arms 5*b'*. The terminal 5*a* is integrally connected with the other terminal by a side plate 5*g* from which projects a female terminal 5*h*. The

terminals, side plate and the female terminal are formed by press working from a metal plate and are formed into one terminal member. The arms 5*b'* form a conductor press-in slot 5*d'* therebetween, and each arm 5*b'* forms a pointed end 5*b"* to break insulation of the cable 4*a*. As shown in FIG. 2(B), the conductor press-in slot 5*D'* is below the temporary holding slot 5*e* between the arms 5*b*. Thus the cable 4*a* is held in the temporary holding space 5*f* formed by the temporary holding slot 5*e* and the temporary holding projections 5*c*, as shown in FIG. 2(C). The female terminal 5*h* may be a male terminal or a soldered terminal as necessary. In this case, outwardly projected temporary holding projections 5*c'* are formed to the arms 5*b*, to hold another cable in cooperation with an adjacent terminal member, as shown in FIG. 1(D). This structure is preferable when two rows of terminal members are arranged and the terminal members of one row are staggered from the terminal members of another row. In this case each cable is temporarily held by the temporary holding projections 5*c* of one row and by the temporary holding projections 5*c'* of another row. Thus, each cable is temporarily held in two temporarily holding spaces 5*f* and 5*f*.

FIG. 3 shows the lower half of a connector having two rows of the terminal members shown in FIG. 2 and FIG. 4 shows an assembled connector 1 which has a male insulation block 2 and a female insulation block 3 shown also in FIG. 3. The terminal members of one row are staggered from the terminal members of the other row so that each single core cable 4*a* is held by the temporary holding space 5*f* of the terminal member of one row and the temporary holding space 5*f* between two terminal

members of the other row. As shown in FIG. 4, each cable is held between the blocks 2 and 3 in vertically staggered relation with an adjacent cable. The blocks 2 and 3 form vertically staggered high position cable supports 2*b* and 3*a* and low position cable supports 2*a* and 3*b*. When the blocks 2 and 3 are assembled, one high position cable support of one block cooperates with one low position cable support 2*a* or 3*b* of the other block to hold each cable between each opposed high position cable support 2*b* or 3*a* and the low position cable support 2*a* or 3*b*. Thus, one cable which is pressed in and electrically connected with one of the terminal members of one row is engaged with one of the low position cable supports 3*b* outside the terminal member and is supported by one of the high position cable supports 2*a* of the male block 2. As to the same side of the block 3, a cable which is held by the temporary holding space 5*f* between the terminal members of the one row and is pressed in and connected with one terminal member of the other row, is supported by the high position cable support 3*a* of the block 3 and the low position cable support 2*b* of the other block 2. Thus, as shown in FIGS. 5 and 6, each cable is bent upwards and downwards alternately to form a vertically staggered relation.

To assemble the connector 1, each cable 4*a* is placed on a desired terminal member of the insulation block 3 and is pressed by fingers of an operator into the temporary holding space 5*f* of the terminal member and also into the temporary holding space 5*f* between the terminal members of the other row. Thus, cables are held in place regularly by the temporary holding projections 5*c* and 5*c'*.

Then the male insulation block 2 covers the female insulation block 3 and presses the cables into desired positions. Insulations of the cables are destroyed by the pointed ends 5*b''* of the arms 5*b'* of the terminal members, and conductors of the cables are pressed into the conductor press-in slots 5*d* and 5*d'* of the terminal members.

As shown in FIG. 7, the outside temporary holding projections 5*c'* of the arms 5*b* of the terminal members engage elastically with vertical walls of the male insulation block 2 when the blocks 2 and 3 are assembled to form the connector 1, to maintain the connector integral 1 and to prevent rattling between the blocks 2 and 3. In the embodiment shown in FIG. 7, recesses 6 formed between vertical walls of the block 2 each has a width which is slightly narrower than the normal outside width of the terminal member so that when the block 2 presses the cables into the press-in positions, the outer temporary holding projections 5*c'* engage with the vertical walls of the block 2 by elastic deformation of the arms 5*b*. At the end of the press-in operation, the projected ends of the projections 5*c'* engage with stepped recesses 6*a* which are formed in the vertical walls of the recess 6 of the block 2 by elastic rebounding of the arms 5*b* of the terminal member. Thus, the blocks 2 and 3 are locked tightly without further means to lock the blocks 2 and 3 to each other.

FIG. 8 shows another embodiment of the terminal member in accordance with the invention. In the drawing, the same reference numerals are used to show like elements shown in the drawings of the previous embodiments. The terminal member shown in FIG. 8 also has

two arms 5*b* which form between them a temporary holding slot and a conductor press-in slot as before. The terminal member has side plates 5*i* which are integrally formed with the arms 5*b* by being bent perpendicularly to arms 5*b*. The opposed inside surfaces of the side plates 5*i* form inwardly projected temporary holding projections 5*c* and the outside surfaces of the side plates 5*i* form outwardly projected temporary holding projections 5*c'*. In this case, dimensions of the projections 5*c* and 5*c'* in the longitudinal direction of the cable can be increased as desired to hold the cable safely without damaging the insulation of the cable. The arms 5*b* are reinforced by the side plates 5*i*. Inside surfaces of the side plates 5*i* guide the side surfaces of the cable so that the cable is held in a desired direction in a connector having only one row of the terminal members. Thus, the temporary holding and positioning effects of the cable by the terminal member are substantially increased.

It will be appreciated that a single core cable to be pressed in is temporarily held in the temporary holding space of the terminal member according to the present invention before the cable is pressed into the cable press-in slot 5*d* or 5*d'* of the terminal member. Thus, positioning of the cable before the press-in operation is very easily achieved.

When many cables are to be pressed into desired specific terminal members of a connector, the cable arranging operation is easily performed by temporarily holding each cable in a temporary holding space of a specific terminal member before all cables are pressed into desired cable press in slots of the terminal members

by one operation. Thus, the assemble operation is substantially simplified.

I claim:

1. An electric contact terminal member for accommodating therein a single core cable having electric insulation, side terminal member comprising:

a first metal plate having formed therefrom a first pair of contact arms defining therebetween a first slot said first pair of contact arms;

said first slot including an inlet portion extending inwardly from said open outer end of said first slot, said inlet portion being dimensioned to receive and grasp a single core cable including insulation thereof without damage to the insulation;

said first slot including a press-in portion extending inwardly from said inlet portion, said press-in portion being dimensioned to, upon the cable being pressed thereinto, receive the core of the cable, while the cable insulation is broken by facing edges of said first pair of contact arms;

said first pair of arms having adjacent said outer ends thereof integral projection means extending into said inlet portion of said first slot for aiding in grasping the cable;

said inlet portion of said first slot and said projection means forming temporary holding means for enabling accurate positioning of the cable before the cable is pressed into said press-in portion;

a second metal plate having formed therefrom a second pair of contact arms defining therebetween a second slot having an open outer end

adjacent outer ends of said second pair of contact arms;

first metal plate, with said second pair of contact arms parallel to said first pair of contact arms, and with said second slot parallel to said first slot;

said second slot being dimensioned to, upon the cable being pressed thereinto, receive the core of the cable, while the cable insulation is broken by facing edges of said second pair of contact arms; and

said outer ends of said second pair of contact arms being outwardly pointed to facilitate breaking of the cable insulation upon the cable being pressed from said temporary holding means into said press-in portion of said first slot and into said second slot.

2. A terminal member as claimed in claim 1, wherein said first and second metal plates are in abutting contact with each other.

3. A terminal member as claimed in claims 1 or 2, wherein said first and second metal plates are integrally formed of a single metal element.

4. A terminal member as claimed in claim 1, wherein said first pair of arms have adjacent said outer ends thereof outwardly extending projections for cooperation with adjacent separate terminal members for holding other cables.

* * *

FIG.1 (A)

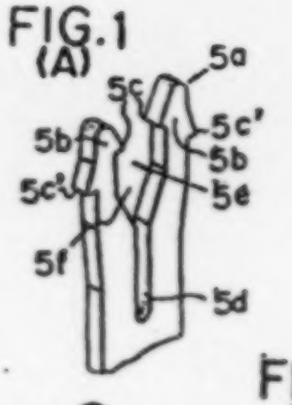


FIG.1 (B)

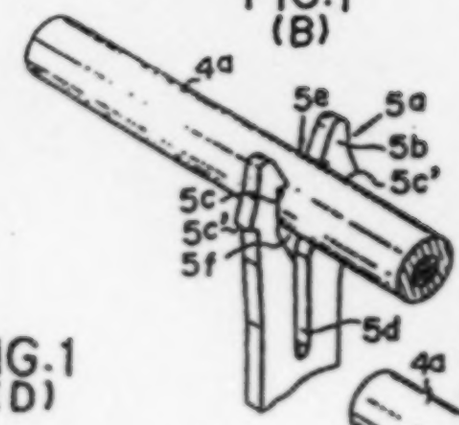


FIG.1 (C)

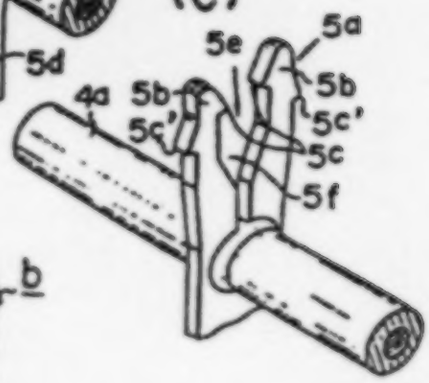


FIG.1 (D)

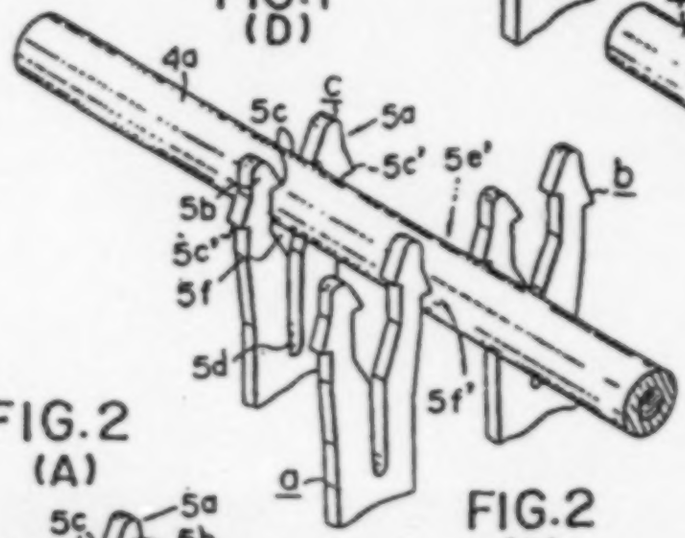


FIG.2 (A)

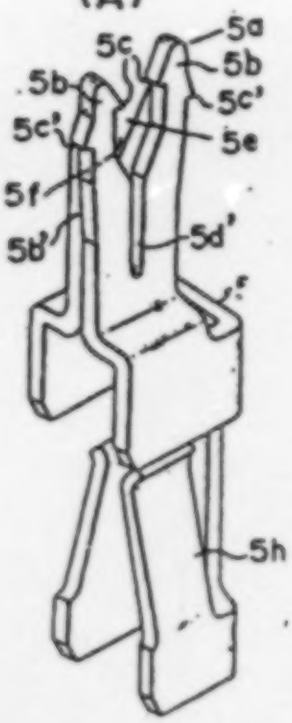


FIG.2 (C)

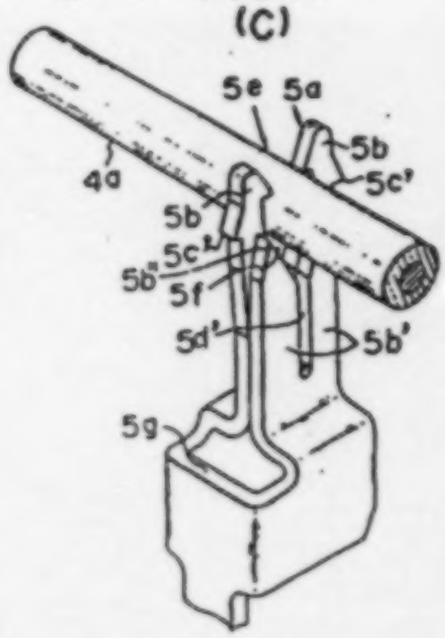


FIG.2 (B)

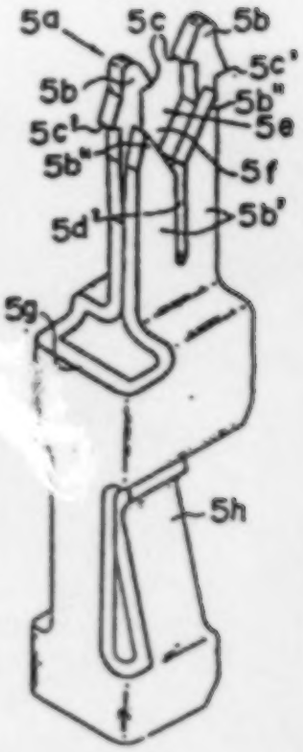


FIG.3

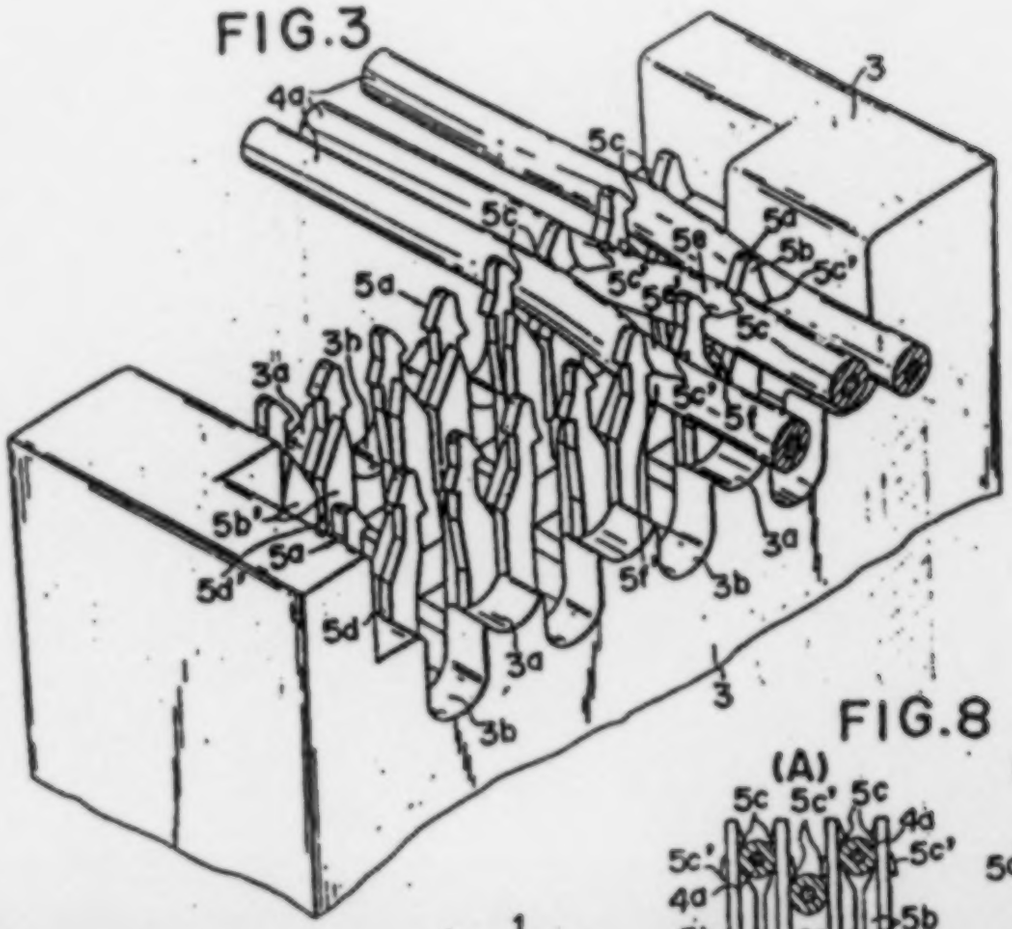


FIG.4

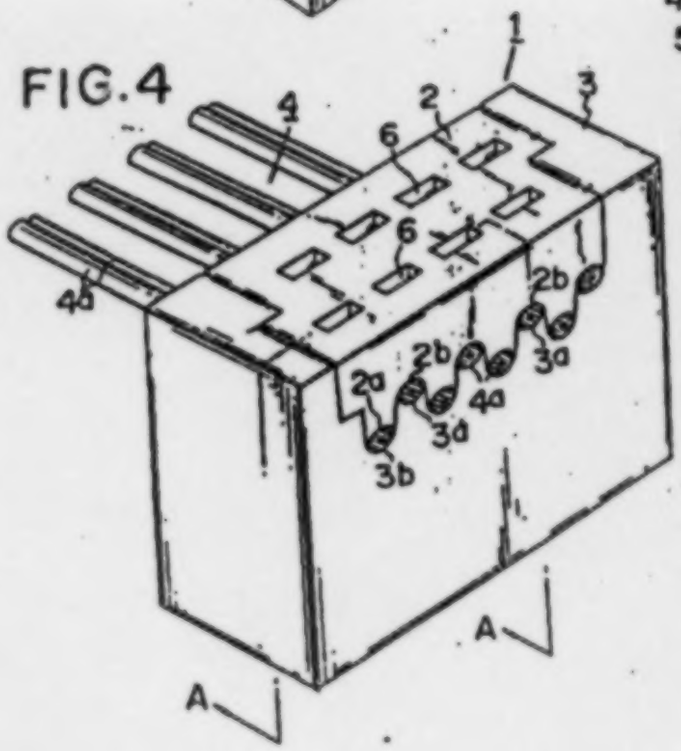


FIG.8

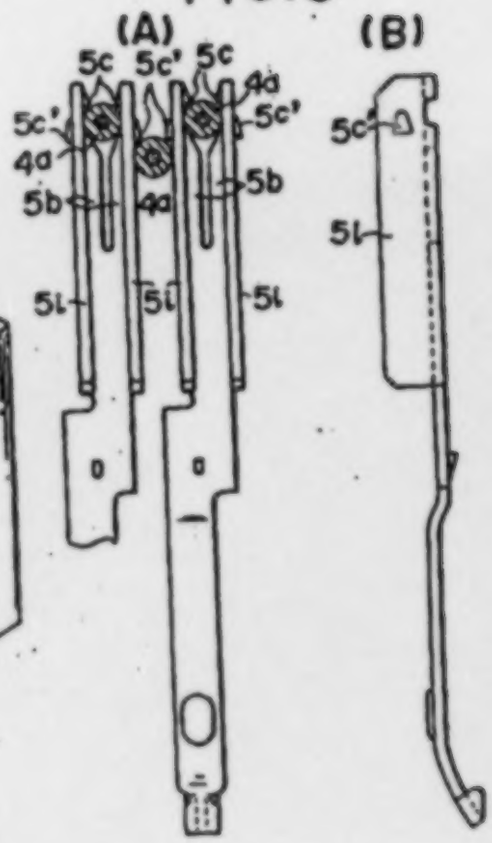


FIG. 5

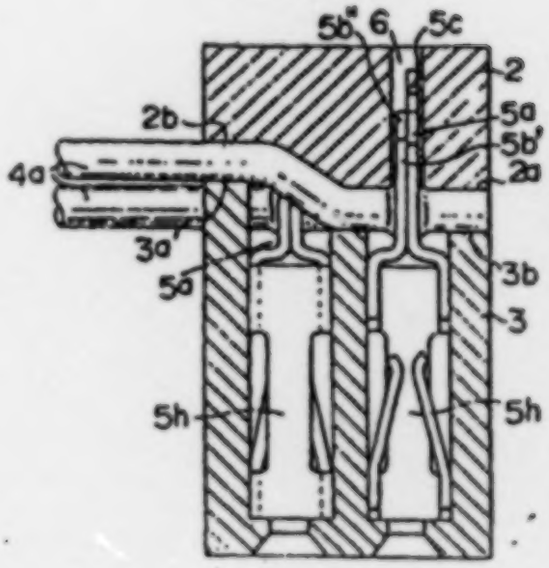


FIG. 6

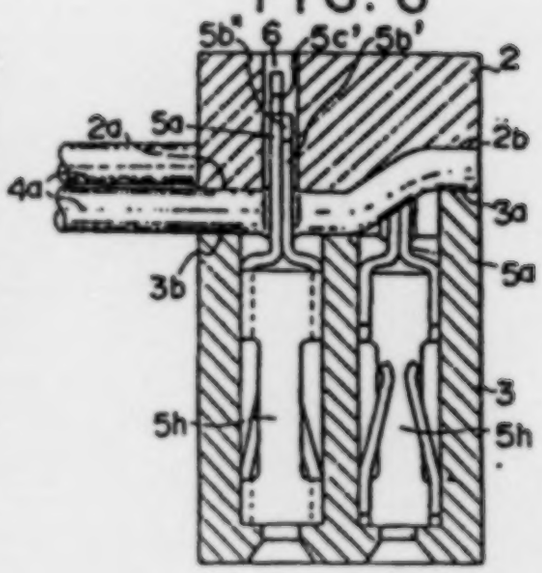
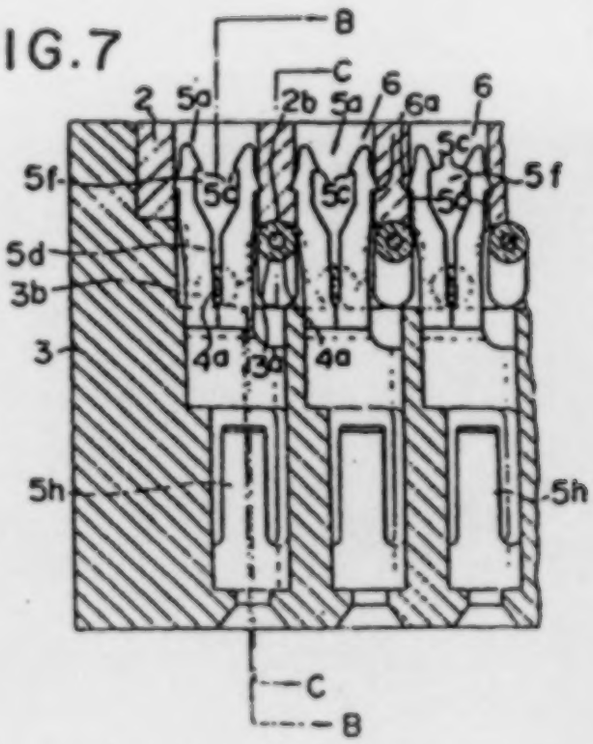


FIG. 7



Nov. 9, 1965 F. V. FRICKER, JR 3,216,580

MECHANICAL APPARATUS

Filed Nov. 29, 1963

FIG. 1

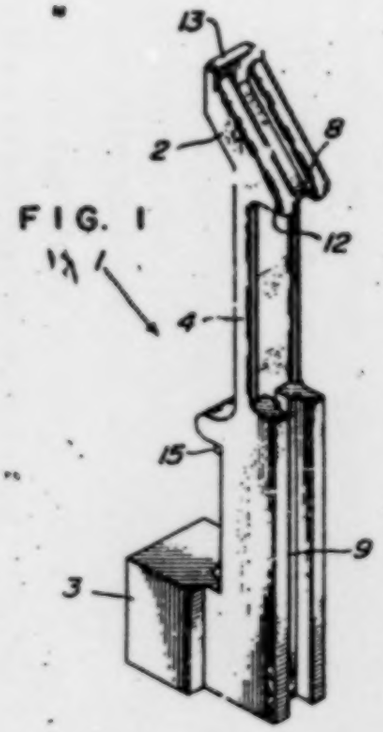


FIG. 3

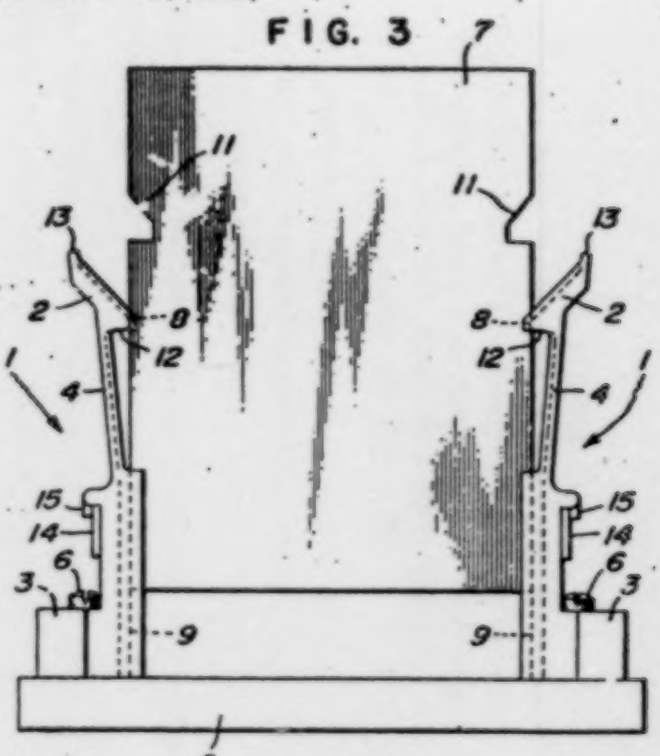


FIG. 2

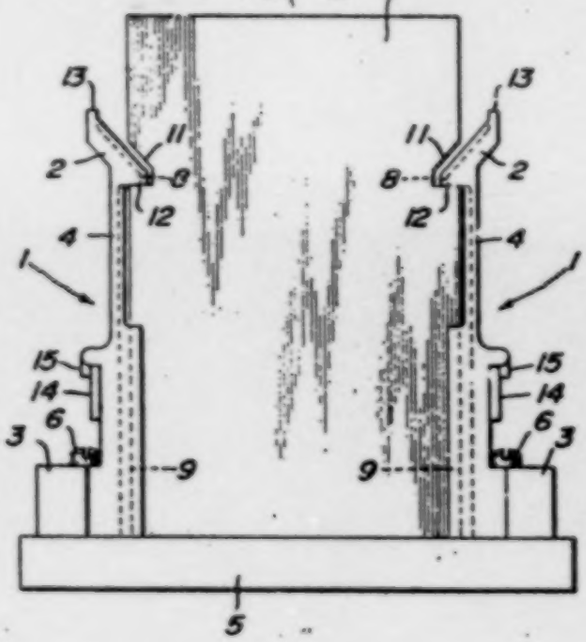
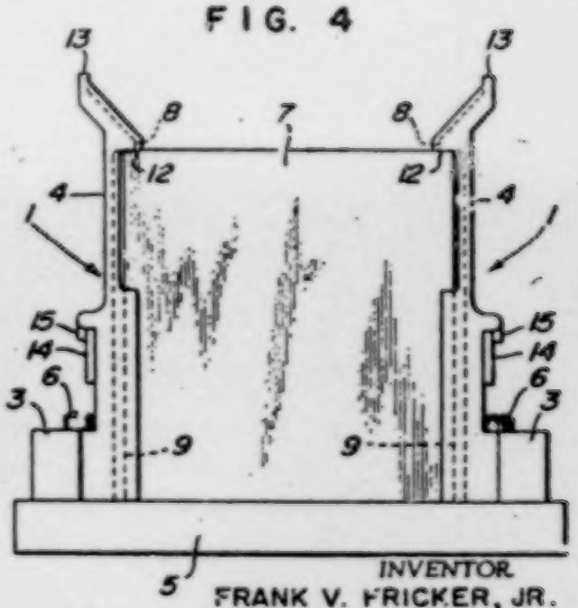


FIG. 4



INVENTOR.
FRANK V. FRICKER, JR.
BY Arthur H. Seidman
ATTORNEY.

DEFENDANT'S EXHIBIT Z

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3,216,580

MECHANICAL APPARATUS

Frank V. Fricker, Jr., Roslyn, Pa., assignor to Honeywell, Inc., a corporation of Delaware

Filed Nov. 29, 1963, Ser. No. 326,039
4 Claims. (Cl.211 – 41)

This invention, relates to mechanical supports. More specifically, the present invention, relates to support devices for retaining card-like devices.

An object of the present invention is to provide an improved card device support.

Another object of the present invention is to provide an improved card element retaining means for receiving and supporting card members in a fixed position.

A further object of the present invention is to provide an improved card element support apparatus for automatically retracting a card member in a predetermined fixed position.

Another further object of the present invention is to provide an improved card element support means having easy and rigid card insertion and removal capability.

Still another object of the present invention is to provide an improved card element support means, as set forth herein, having a simple operation and construction.

In accomplishing these and other objects, there has been provided, in accordance with the present invention,

a unitary card element support means comprising a base member and an upper member joined by a flexible segment. The base and upper members are provided with similar card admitting grooves therein. However, the bottom of the groove in the upper member is not aligned with the bottom of the groove in the lower member and is normally disposed to interfere with the edge of a card element inserted in the groove in the lower member. The flexible segment is arranged to provide a displacement of the upper member to align the bottoms of the aforesaid grooves during the insertion of a card device. Subsequently, the flexible segment is effective to return the upper member to a normal position to cooperate with a portion of the card device whereby to retain the card element against a cooperating base means. The base means is arranged to receive the card and to mount the support means thereon in a card support apparatus. A withdrawal of the card element is achieved by displacing the upper member to realign the grooves in the upper and lower members.

A better understanding of the present invention may be had when the following detailed description is read in connection with the accompanying drawings, in which:

FIG 1 is a pictorial representation of a unitary support means embodying the present invention.

FIG. 2 is a pictorial representation of the support means shown in FIG. 1 in a card restraining apparatus and showing a fully inserted card.

FIG. 3 is a pictorial representation of the support means apparatus shown in FIG. 2 with a partially inserted card.

FIG. 4 is a pictorial representation of a card restraining means also embodying the present invention for use in a somewhat different manner from that shown in FIG. 2.

Referring to FIGS. 1 and 2, there is shown a card restraining apparatus comprising a pair of unitary support means 1 each having an upper member 2 and a lower member 3. The upper member 3 is joined to the lower member 3 by a thin flexible segment 4. Each lower member 3 is attached to a base 5 by a screw means 6. The restraining means 1 are positioned on base 5 to permit a card element 7 to be disposed there between. The card device 7 may be any card of panel-like structure which it is desired to rigidly position on the base member in a fixed location and in a predetermined relationship. Thus the card element 7 may be a printed circuit carrying card which is inserted into a multiple contact plug in base 5. Alternatively, card device 7 may be a photographic slide carrying card which is positioned on base 5 for projection on a screen.

The upper and lower members 2 and 3 are both provided with a groove therein to accommodate the corresponding edges of the card element 7. Thus, upper member 2 is provided with groove 5 and lower member 3 with groove 9. However, the bottom of groove 9 is at a greater depth than the bottom of groove 3. In other words, the bottom of groove 9 is not aligned with the bottom of groove 3. When the supports 1 are disposed on

the corresponding sides of card 7, the separation between the bottoms of the respective grooves 9 is arranged to admit the width of the card 7. Thus, card device 7 will be restrained and guided by groove 9 on each support 1 toward a final position on base 5. On the other hand, the separation between the bottoms of grooves 8 and in the upper member 2 is less than the width of the card element 7. Accordingly, during an insertion operation of the card 7, as shown in FIG. 3, the upper member 2, is displaced away from the center of the card 7. This displacement of upper member 2 is accommodated by the flexible segment 4. Further, this displacement is limited to a position wherein the separation of the bottoms of grooves 8 contacting the card device 7 is equal to the width of card 7.

When the card is fully inserted, the upper members 3 may be arranged to cooperate with a pair of respective recesses 11 in the edges of the card 7. These recesses 11 are effective to allow the corresponding ones of the upper members 2 to return to a position determined by an unbent position of flexible segment 4. A bottom face 12 of upper member 2 contiguous to groove 8 is arranged to mate with the bottom edge of recess 11 to firmly lock the card 7 against the base 7. Alternatively, as shown in FIG. 4, the upper member 2 may project over the top of card 7 in a fully inserted position. In this case, the bottom edge 12 of member 2 would bear against the top edge of card 7. In either case, upon a full insertion of the card 7, the support means 1 is effective to restrain the edges of card 7 while firmly retaining it against the base 5. It is to be noted that, while two similar supports 1 are shown cooperating with respective edges of card 7, a single support

means 1 could be used on one side of card 7 with a simple card edge receiving means positioned against the other edge of card 7.

In order to facilitate the release of the upper member 2 from the card 7, to allow the withdrawal of card 7, the member 2 may be provided with outwardly projecting tabs 13. A displacement of tabs 13 away from the card 7 would be effective to move member 2 to a position which would allow card 7 to be withdrawn from base 5 along grooves 8 and 9. Additionally, to even more securely retain each of the supports 1 on base 5, a rigid bar member 14 may be provided for each of the support means 1. The bar member 14 is arranged along the back of support 1 and is fastened to base 5 by any suitable means (not shown). The support means 1 are each provided on their back surfaces with a downwardly projecting extension 15 fastened at one end to the support 1, and separated therefrom by a space, which is effective to permit the insertion of bar 14. Thus, each support means 1 is positioned on the bar 14 by allowing this bar 14 to pass into the aforesaid space past the unattached end of extension 15. The support 1 is then retained against the base 5 by screw 6. Using the teaching of this invention, the support means 1 may advantageously be a unity molding of a plastic material such as "Lexan." This material provides many desirable properties for the support 1 including sufficient flexibility and strength for the flexible segment 4.

Accordingly, it may be seen that there has been provided, in accordance with the present invention, a card restraining support which is effective to automatically retain a card element against a cooperating base means

while allowing easy and rapid removal and insertion of the card element.

What is claimed is:

1. A card support comprising a first member having a card receiving groove therein, a second member having a card receiving groove therein and a flexible segment connecting said first and second members and separating said first member from said second member by the length of said segment with the edges of said groove in said first member in alignment with edges of said groove in said second member to form a pair of card receiving grooves while the bottoms of said grooves are not in alignment.

2. A card support, as set forth in claim 1, wherein said first member, said second member and said segment are of a unitary construction.

3. A card support, as set forth in claim 1, wherein said first member has an outwardly projecting tab for temporarily effecting a displacement of said first member with respect to said second member by the flexibility of said segment to provide a card receiving alignment of said bottoms of said grooves.

4. A card support apparatus comprising a pair of card support means arranged on respective sides of a card element, each of said support means including a first member having a card support comprising a first member having a card receiving groove therein, a second member having a card receiving groove therein and a flexible segment connecting said first and second members and separating said first member from said second member by the length of said segment with the edges of said

groove in said first member in alignment with edges of said groove in said second member to form a pair of card receiving grooves while the bottoms of said grooves are not in alignment, and a base member operative to mount said card support means in facing relationship to admit and retain the opposite edges of a card element in respective ones of said pairs of grooves.

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CLAUDE A. LE ROY, *Primary Examiner.*

FRANK L. ABBOTT, *Examiner.*